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Senate

The Senate met at 2:30 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, we thank You for the beauty and wonder of life. Thank You for the people we know and love. Thank You for the opportunity to experience life's richest joys. Sustain our lawmakers today. Deepen and cultivate their understanding of primary things. Deliver them from majoring in minors and minoring in majors. Bless the thousands who labor for liberty on Capitol Hill. Keep them from becoming weary in doing well, as You remind them that their perseverance will bring a productive harvest.

We pray today for our military men and women and their families who sacrifice so much to keep us free. Protect them from the dangers of the sea, land, and air, and from the violence of the enemy.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3057, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, we return to the consideration of the Foreign Operations appropriations bill. We began that bill last Friday with opening statements. Senators MCCONNELL and LEAHY are ready for Members to offer their amendments during today's session. They are not encouraging amendments, but if Senators do want to offer amendments, we do ask they come forward as soon as possible. I am very hopeful we can complete this bill tomorrow. I think it is likely we can do that if Senators will come forward today and offer amendments, if they have any.

We will be voting this afternoon at about 5:30, and we will be announcing a little bit later today what the nature of that vote will be. Senators will be notified once we lock in the time. It will be around 5:30 today.

As a reminder, tomorrow, at 10 o'clock in the morning, there will be a joint meeting with the House of Representatives. The Prime Minister of India, Manmohan Singh, will be speaking to both Houses of Congress at that joint meeting.

We have 2 weeks remaining before our next recess. We have a lot of business over the next 2 weeks to conduct. The Democratic leader and I were just talking, going through our objectives, and will be sharing that and consulting with our colleagues as to how these next 2 weeks will play out. The floor schedule is going to be very busy. It will take precedence over other schedules, so we do ask Senators to keep their schedules flexible so we can accomplish the many tasks before us.

HEALTH INFORMATION TECHNOLOGY

Mr. President, on another issue, briefly—but it is an issue that means a lot to me as one who sees the real advantage in legislating in this arena—I want to comment on the issue of electronic medical records and the increasing necessity, if we are going to eliminate the waste and abuse in our health care system today, of focusing on ways to share information throughout our health care system, which has been too fragmented and too disjointed in terms of communication.

I want to share with our colleagues that we have worked a lot on this issue over the last 4 to 5 days, including the weekend, and that we have made real progress and have come very close to achieving the goal of having privacy-protected electronic health records legislation come before this body.

Senator CLINTON and I introduced legislation last June. Senators ENZI and KENNEDY have been working on legislation. Our goal has been to pull this legislation together. Indeed, we have made real progress in agreeing to outlines of strong legislation, which I am absolutely convinced will eliminate a lot of waste in the system, will improve quality, will increase efficiencies in the delivery of health care, will empower payments, and will improve patient safety throughout our health care system. So I am very excited about it.

We promote the use of electronic health records by adopting standards. You have to have similar standards throughout the system if people are going to come in and participate and share information. So we approached standards. We ensure quality measurement. We eliminate barriers to the adoption of this technology of electronic health records. And we incentivize providers and those throughout the system who use this information to actually adopt the standards with lowered barriers so the advantages can be realized.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I thank Senators CLINTON, ENZI, and KENNEDY for all of their tremendous work. Chairman ENZI plans to take that legislation to the HELP Committee, I believe, on Wednesday morning. Following that, I look forward to working with my colleagues for Senate passage.

Mr. President, we have a very busy week before us. Again, we will be turning to the foreign operations legislation shortly.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 3130

Mr. REID. Mr. President, before my distinguished colleague leaves the floor, I ask unanimous consent that the Appropriations Committee be discharged from further consideration of H.R. 3130, the veterans health care supplemental bill, that the Senate proceed to its immediate consideration, and that the bill be amended to increase the funding level to $1.5 billion; that the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Is there objection?

Mr. FRIST. Mr. President, reserving the right to object.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, we have been here before. Indeed, the Senate has voted twice, most recently on the Homeland Security appropriations bill we finished last week, and then a week before that on the Interior appropriations bill, to provide $1.5 billion for veterans health programs for the current fiscal year, with the remainder of it to be used until expended.

I supported those amendments, as did the Democratic leader.

The conference on the Interior bill, I understand, is well underway and will be completed by the end of this week. I fully expect that the $1.5 billion in additional funding for veterans health care will be on the President's desk for his signature before we leave in 2 weeks for the August recess.

In addition, I should also mention it is important that no veteran right now—no single veteran—is being denied needed health care. The other thing I want to mention to the Democratic leader, because I have not mentioned it before, is that if, for some unexpected reason, the Interior appropriations conference report is not finished, then I think he and I could join together and sponsor legislation, stand-alone legislation if need be, to accomplish the same thing that he requests. I do not believe it is necessary today because we will accomplish this goal before we leave. The conference on the Interior bill is underway and will provide that funding.

Therefore, I object to the unanimous consent request by the minority leader.

The PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, if I could just briefly say, I appreciate the statement of the distinguished majority leader. I want this matter to stay before the attention of the Senate. I think it would be better to do it this way and send it to the House. I think that would be so much better. It would be done, I believe, more quickly.

But I also say at this stage the veterans programs are being cannibalized. Those programs for capital construction are being used for health care. I think it would be better if we dispose of this. I will watch the conference committee very closely. It is really not a place for veterans funding programs, but we will take it wherever we get it. Again, I am sorry we were not able to work it out more quickly, but I do look forward to completing it in this work period.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I have a question I want to ask my friend.

The money in the Interior bill, I hope it is additional money, not money coming from other programs. Does the distinguished majority leader know about that? Do you understand my question? I hope it is new money. I hope it is not money we are taking from other programs.

Mr. FRIST. Mr. President, in response, I will check with Chairman BURNS to see where specifically the money comes from. I am not exactly aware where the money comes from.

Mr. REID. Because if it is going to come from other Interior programs, I would even go so far as to suggest maybe the Presiding Officer would not want $1.5 billion to come out of the Interior bill for programs that are not within the Interior bill. I know I would not like that.

Mr. FRIST. Mr. President, it is all new money. It is not being taken from other programs.

Mr. REID. That is real good news.

I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that at 5:15 this evening the Senate proceed to executive session for 30 minutes of debate equally divided in relation to calendar No. 172, Lester Crawford to be Commissioner of Food and Drugs; provided further that following that time the Senate proceed to a vote on the nomination, with no intervening action or debate. I further ask that following the vote the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE PASSENGERS AND CREW OF UNITED AIRLINES FLIGHT 93

Mr. FRIST. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. Con. Res. 26 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 26) honoring and memorializing the passengers and crew of the United Airlines Flight 93.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the concurrent resolution, as amended, be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1228) was agreed to, as follows:

On page 3, line 2, strike ''and the minority leader of the Senate'' and insert ''the minority leader of the Senate, the Chairman and the Ranking Member of the Committee on Rules and Administration of the Senate, and the Chairman and the Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives''.

The concurrent resolution (S. Con. Res. 26), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 26

Whereas on September 11, 2001, acts of war involving the hijacking of commercial airplanes were committed against the United States, killing and injuring thousands of innocent people;

Whereas 1 of the hijacked planes, United Airlines Flight 93, crashed in a field in Pennsylvania;

Whereas while Flight 93 was still in the air, the passengers and crew, through cellular phone conversations with loved ones on the ground, learned that other hijacked airplanes had been used to attack the United States;

Whereas during those phone conversations, several of the passengers indicated that there was an agreement among the passengers and crew to try to overpower the hijackers who had taken over Flight 93;

Whereas Congress established the National Commission on Terrorist Attacks Upon the United States (commonly referred to as ''the 9–911 Commission'') to study the September 11, 2001, attacks and how they occurred;

Whereas the 9–911 Commission concluded that ''the nation owes a debt to the passengers of Flight 93. Their actions saved the lives of countless others, and may have saved either the U.S. Capitol or the White House from destruction.''; and

Whereas the crash of Flight 93 resulted in the death of everyone on board: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That

(1) the United States owes the passengers and crew of United Airlines Flight 93 deep respect and gratitude for their decisive actions and efforts of bravery;

(2) the United States extends its condolences to the families and friends of the passengers and crew of Flight 93;

(3) not later than October 1, 2006, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate, the Chairman and the Ranking Member of the Committee on Rules and Administration of the Senate, and the Chairman and the Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives shall select an appropriate memorial that shall be located in the United States Capitol and that shall honor the passengers and crew of Flight 93, who saved the United States Capitol from destruction; and

(4) the memorial shall state the purpose of the honor and the names of the passengers and crew of Flight 93 on whom the honor is bestowed.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006—Continued

AMENDMENTS NOS. 1229 THROUGH 1235

Mr. MCCONNELL. Mr. President, we have several cleared amendments to the State, Foreign Operations bill which I send to the desk and ask for immediate consideration en bloc.

There is one on behalf of Senator MARTINEZ regarding the Advisory Commission on Public Diplomacy; by Senator LEAHY, a technical amendment; for myself regarding activities of OPIC in Libya; three Leahy amendments, two technicals and an amendment regarding assistance to Pakistan; a Leahy amendment regarding assistance for the North Caucus.

All of these amendments have been cleared on both sides. I ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbered 1229 through 1235 en bloc.

The PRESIDING OFFICER. Is there further debate on the amendments?

If not, without objection, the amendments are agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 1229

(Purpose: To extend the United States Advisory Commission on Public Diplomacy until October 1, 2006)

On page 326, between lines 10 and 11, insert the following new section:

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

SEC. 6113. Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking ''October 1, 2005'' and inserting ''October 1, 2006''.

AMENDMENT NO. 1230

(Purpose: Technical amendment relating to Iraq)

On page 309, line 24, after ''Fund'', insert the following:

in chapter 2 of title II of P.L. 108–106

AMENDMENT NO. 1231

(Purpose: To provide an exception for activities of the Overseas Private Investment Corporation in Libya)

On page 210, on line 23, after the words ''or its agents'' insert the following:

: *Provided further*, That for purposes of this section, the prohibition shall not include activities of the Overseas Private Investment Corporation in Libya

AMENDMENT NO. 1232

(Purpose: Technical amendment concerning foreign nongovernmental organizations)

On page 295, line 23, strike ''local'' and insert in lieu thereof:

foreign nongovernmental

On page 296, line 2, strike ''local'' and insert in lieu thereof:

foreign nongovernmental

On page 311, line 9, strike ''local'' and insert in lieu thereof:

foreign

AMENDMENT NO. 1233

(Purpose: Technical amendment relating to a reporting requirement)

On page 191, line 24, after ''Appropriations'' insert:

and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives

AMENDMENT NO. 1234

(Purpose: Reporting requirement relating to assistance for Pakistan)

On page 172, line 7, strike ''defenders'' and insert in lieu thereof

lawyers and journalists

AMENDMENT NO. 1235

(Purpose: To provide certain assistance to the North Caucasus)

On page 176, line 2, after the colon insert: *Provided further*, That of the funds appropriated under this heading, not less than $5,000,000 should be made available for humanitarian, conflict mitigation, relief and recovery assistance for Chechnya, Ingushetia, and elsewhere in the North Caucasus:

Mr. MCCONNELL. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1239

Mr. HARKIN. Mr. President, for many years, I have been active in efforts to stop exploitative child labor as well as trafficking in child and female slaves around the world. In my travels to many countries, I have seen this scourge firsthand. I have come to the floor of the Senate many times to speak about this issue. I have spoken about how shocked I was to see the deplorable conditions under which these kids are forced to work. Many are physically, emotionally, and sexually abused. All of them, every child engaged in abusive child labor is deprived of a childhood solely for someone else's gain.

Why should we as a nation tolerate children being used in such a manner? We should not. It is a moral outrage and an affront to human dignity. When a child is exploited for the economic gains for others, not only does the child lose, but the family loses and I think the whole world loses. It is bad economics, and it is bad development strategy. A nation cannot achieve prosperity on the backs of children, and there should simply be no place in the global economy for child labor.

So when news reports about forced child labor on west African cocoa farms first emerged in 2001, I was not entirely surprised. According to one report in a series of articles by Knight Ridder, the child laborers of Ivory Coast ''are whipped, beaten, and broken like horses to harvest the almond-sized beans that are made into chocolate treats for more fortunate children in Europe and the United States.''

After looking into this, I resolved to do everything I could to end this tragic exploitation of children working on cocoa farms. However, I sought a legislative remedy not as a first resort but as a last resort. Together with Congressman ELIOT ENGEL of New York, we engaged the major chocolate companies in lengthy, intense negotiations. The result is what is now called the Harkin-Engel protocol for the growing and processing of cocoa beans in a manner that complies with the International Labor Organization Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor. This protocol would apply to everywhere cocoa is grown and processed.

The agreement laid out a series of date-specific actions, including the development of credible, mutually acceptable, voluntary industrywide standards of public certification by July 1 of 2005, this month, in order to give a public accounting of labor practices in cocoa farming.

The Harkin-Engel protocol marked an important first—an entire industry, including companies from the United States, Europe, and the United Kingdom, taking responsibility for addressing the worst forms of child labor and forced labor in its supply chain.

Today the protocol stands as a framework for progress in west Africa, bringing together industry, west African governments, organized labor, nongovernmental organizations, farmers groups, and experts in a concerted effort to eliminate the worst forms of child labor and forced labor from the growing and processing of cocoa.

Since the Harkin-Engel protocol was signed, a number of positive steps have been taken to address the worst forms of child labor in cocoa growing. These include the creation of the International Cocoa Initiative Foundation, which is now beginning to form partnerships with nongovernmental organizations to provide social protection programs in west Africa. Also, in Ghana, the International Labor Organization carried out a small pilot project, and in the Ivory Coast, the government is committed to conducting a similar pilot project to examine the labor situation and social protection needs on cocoa farms. These pilot programs will then be assessed and used to develop a child labor monitoring system.

Although I was disappointed that the July 1 deadline was not fully met by the industry, they have given us a commitment to achieving a certification system which can be expanded across the cocoa-growing areas of west Africa and which will cover 50 percent of the cocoa-growing areas of Ivory Coast and Ghana in 3 years' time. I am very pleased with this commitment.

Going forward, the industry has pledged to dedicate more than $5 million annually to support the full implementation of a certification system for cocoa growing farming practices and for programs to improve the well-being of the more than 1.5 million farm families growing cocoa in west Africa, including efforts to eliminate the worst forms of child labor and forced labor.

Specifically, the rollout of the certification system, including monitoring, data analysis reporting, and activities to reduce the worst forms of child labor, will proceed as aggressively as possible in Ivory Coast and Ghana with the goal of covering 50 percent of the two countries' cocoa-producing areas by July of 2008. This is, indeed, a milestone on the way toward the ultimate goal of 100 percent coverage in cocoa-producing countries around the world.

In addition, the industry pledges to improve conditions in west Africa cocoa farming communities and to address the worst forms of child labor and forced labor at the community level through the International Cocoa Initiative Foundation, the World Cocoa Foundation, and the Initiative for Africa Cocoa Communities. Congressman ENGEL and I have accepted the industry's pledge and commitment, and we congratulate them for this.

The protocol framework continues. However, as President Reagan used to say regarding arms agreements with the Soviet Union, we decided to trust but verify. To ensure accountability and transparency, Congressman ENGEL and I will establish an independent oversight entity to monitor future implementations of the accord. This entity will include experts on child and forced labor, as well as on corporate social responsibility, and will monitor the industry's work and produce periodic publicly available reports on its progress.

Again, I applaud the cocoa industry, the chocolate industry for their agreement to accept such an independent oversight entity.

In addition, to accelerate progress, I support the recommendation of the verification working group, a group charged under the protocol with an independent assessment of the certification system to create a skilled, multi-stakeholder working group on certification.

Yes, I am disappointed that the July 1 deadline was not fully met, but I am reassured that the industry is committed to the goal we all share, which is to eliminate the scourge of the worst forms of child labor and forced labor in cocoa-producing countries.

Obviously, I will be closely monitoring progress under the protocol in the months and years ahead, and I will make periodic reports on the Senate floor and in the media. As Justice Brandeis once said, sunlight is the best disinfectant. Progress under the protocol will be transparent. It will be documented and reported for the entire world to see.

Congressman ENGEL and I are fully committed to meeting the terms and goals of the protocol. As I also said, we are pleased that the chocolate industry likewise has pledged its full commitment to these terms and goals. I would also like to commend the governments of the Cote d'Ivoire and Ghana for their cooperation in meeting the terms of the protocol. Clearly, it is in the interest of these national governments to eradicate the worst forms of child labor for their own economic and social well-being.

We all realize the stakes are incredibly high and that the time for just talking has passed. Child labor and forced labor continue in the cocoa fields of west Africa and elsewhere. Children today are suffering, being deprived of their childhood, being beaten, being deprived of education. And ultimately the chocolate companies have a big responsibility in stopping this suffrage. I will continue to work with them and with the west African governments to eliminate this scourge.

At this time I would like to inform my colleagues of my intent to offer a sense-of-the-Senate resolution to the Foreign Operations appropriations bill that the Senate is now considering. My amendment simply reaffirms the industry's commitments to eradicate child labor from cocoa plantations. The resolution I will offer reflects the main points I have mentioned today. I hope it will be a noncontroversial amendment and that it can be accepted by the managers of the bill.

Furthermore, Mr. President, I would remiss if I did not mention in passing, at least right now, some of the other problems facing the African continent today: HIV/AIDS, hunger, the genocide in Darfur, debt relief, millions of displaced people. Unfortunately, the list is long and the problems severe. I was pleased that the recent G8 meeting held in Scotland addressed some of these issues. This is a positive but, I must add, a small step forward. In order to successfully meet the challenges facing African nations, nations of the world must work together. And I will continue to support our chairman and ranking member and our committee on the foreign operations appropriations subcommittee to do all we can to help in those efforts.

Mr. President, I am going to just read briefly some parts of the amendment that I will be offering to H.R. 3057. Basically, it is just, again, a sense-of-the-Senate resolution to express the sense of Congress regarding abusive child labor practices in the growing and processing of cocoa. It has a number of findings, but it is a sense of Congress that:

The cocoa industry is to be commended, as the Protocol agreement is the first time that an industry has accepted moral, social, and financial responsibility for the production of raw materials wherever they are produced;

The Government of the Republic of Cote d'Ivoire and the Government of the Republic of Ghana should be commended for the tangible steps they have taken to address the situation of child labor in the cocoa sector;

An independent oversight body should be designated and supported to work with the chocolate industry, national governments and nongovernmental organizations on the progress of the development and implementation of the certification system by July 1, 2008 through a series of public reports;

The governments of West African nations that grow and manufacture cocoa should consider child labor and forced labor issues of top priorities;

The Office to Monitor and Combat Trafficking in Persons of the Department of State should include information on the association between trafficking in persons and the cocoa industry of Cote d'Ivoire, Ghana, and other cocoa producing regions in the annual trafficking in persons that is submitted to Congress.

Mr. President, I will not read all of it, but those are some of the basic elements of the sense-of-the-Congress resolution that I want to propose.

Mr. President, parliamentary inquiry: Is there an amendment pending at this time?

The PRESIDING OFFICER. There is not.

Mr. HARKIN. I would ask the manager of the bill, would this be an appropriate time to send my amendment to the desk.

Mr. MCCONNELL. That would be fine. I would like to take a look at it. I am not sure we have seen it.

Mr. HARKIN. Certainly. I just got it finished a bit ago.

Mr. MCCONNELL. I think it would be appropriate to send it to the desk.

Mr. HARKIN. I appreciate it.

Mr. President, I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows.

The Senator from Iowa [MR. HARKIN] proposes an amendment numbered 1239.

Mr. HARKIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress regarding abusive child labor practices in the growing and processing of cocoa)

On page 326, between lines 10 and 11, insert the following:

ABUSIVE CHILD LABOR PRACTICES IN COCOA INDUSTRY

SEC. 6113. (a) Congress makes the following findings:

(1) The plight of hundreds of thousands of child slaves toiling in cocoa plantations in West Africa was reported in a series by Knight Ridder newspapers in June 2001. (global)

(2) The report found that some of these children are sold or tricked into slavery. Most of them are between the ages of 12 and 16 and some are as young as 9 years old.

(3) There are 1,500,000 farms in West Africa that produce approximately 72 percent of the total global supply of cocoa, with Cote d'Ivoire and Ghana producing about 62 percent and 22 percent, respectively, of the total cocoa production in Africa. Other key producers are Indonesia, Nigeria, Cameroon, and Brazil.

(4) United States consumers purchase over $13,000,000,000 in chocolate products annually.

(5) On September 19, 2001, representatives of the chocolate industry signed a voluntary Protocol for the Growing and Processing of Cocoa Beans and their Derivative Products in a Manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

(6) The Protocol outlines 6 steps the industry formally agreed to undertake to end abusive and forced child labor on cocoa farms by July 2005.

(7) A vital step of the Protocol was the development and implementation by the industry of a credible, transparent, and publicly accountable industry-wide certification system to ensure, by July 1, 2005, that cocoa beans and their derivative products have not been grown or processed by abusive child labor or slave labor.

(8) Since the Protocol was signed, some positive steps have been taken to address the worst forms of child labor and slave labor in cocoa growing, but the July 1, 2005, deadline for creation and implementation of the certification system was not fully met.

(b) It is the sense of Congress that—

(1) the cocoa industry is to be commended, as the Protocol agreement is the first time that an industry has accepted moral, social, and financial responsibility for the production of raw materials, wherever they are produced;

(2) the Government of the Republic of Cote d'Ivoire and the Government of the Republic of Ghana should be commended for the tangible steps they have taken to address the situation of child labor in the cocoa sector;

(3) even though the cocoa industry did not fully meet the July 1, 2005, deadline for creation and implementation of the labor certification system, it has agreed to redouble its efforts to achieve a certification system that will cover 50 percent of the cocoa growing regions of Cote d'Ivoire and Ghana by July 1, 2008;

(4) the cocoa industry should make every effort to meet this deadline in Cote d'Ivoire and Ghana and expand the certification process to other West African nations and any other country where abusive child labor and slave labor are used in the growing and processing of cocoa;

(5) an independent oversight body should be designated and supported to work with the chocolate industry, national governments, and nongovernmental organizations on the progress of the development and implementation of the certification system by July 1, 2008, through a series of public reports;

(6) the governments of West African nations that grow and manufacture cocoa should consider child labor and forced labor issues top priorities;

(7) the Office to Monitor and Combat Trafficking in Persons of the Department of State should include information on the association between trafficking in persons and the cocoa industries of Cote d'Ivoire, Ghana, and other cocoa producing regions in the annual report on trafficking in persons that is submitted to Congress; and

(8) the Department of State should assist the Government of Cote d'Ivoire and the Government of Ghana in preventing the trafficking of persons into the cocoa fields and other industries in West Africa.

Mr. HARKIN. I thank the chairman for taking a look at it. I hope it will meet his approval.

Basically, as I said, the chocolate industry, I believe, is to be commended for taking positive steps in agreeing to do 50 percent of the farms by July 1 of 2008. We have to be vigilant. It is really a sense of the Congress commending them and then urging we stay on to meet those goals and eventually the ultimate goal of making sure that we don't have any forced labor and child trafficking on cocoa farms anywhere.

It always struck me as really kind of telling, almost bordering on the obscene that so many of our kids in our country, in Europe, around the world enjoy eating chocolate. Who doesn't enjoy eating chocolate? We all love chocolate, hot chocolate, or chocolate of any form. And so I think many people who enjoy chocolate don't know that it is being produced by forced child labor in many cases, kids who are beaten, kids who are deprived of their childhood, kids who are basically child slaves. So I think this is something that we should pay attention to. As I said, we have been working on this now, this is our fourth year, working with the chocolate industry. We have this protocol. We have the framework. Progress is being made. We just need to make sure we don't slip behind, that we continue to support these efforts, to support the Governments, as I said, both Cote d'Ivoire and Ghana, in their efforts, and the chocolate industry, also.

That is basically what this sense-of-the-Congress resolution is all about.

With that, Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, as the distinguished Senator from Kentucky said earlier, we are on the Foreign Operations, State Department bill. We have virtually completed our work. There is a pending amendment. We are going to be ready very soon to go to third reading.

We have had a number of Members say they might have an amendment, and I am delighted to hear that, but if they ''might,'' they might want to do it while the bill is still on the floor because it is going to be gone.

Some of these amendments are very well thought out. Some Members have their press releases already written. But if Members want the press release released—as well as the well-thought-out amendment—one might want to do it while the bill is on the floor.

I have no desire to hold up this piece of legislation. Senator MCCONNELL has no desire to hold up this legislation. We spent several hours of quorum calls Friday and today. If Members are serious about an amendment, bring it to the floor. Otherwise, from this Senator's point of view, as soon as there is not an amendment pending, I will have no objection to moving to third reading.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUG PRICES

Mr. DORGAN. Mr. President, I will just take a few minutes. Later this afternoon, at 5:45, we have ordered a vote on the nomination of Dr. Lester Crawford to be Commissioner of the FDA. I had intended to come and speak prior to that vote. My understanding is that there is only a 30-minute time period for debate, equally divided, just prior to the vote on that nomination, so I will take a couple of minutes now to explain why I am going to vote against this nomination.

I have spent most of my time in the Senate voting for nominees sent to us by Presidents, Republicans and Democrats alike, because I believe those who win the Presidency largely have the right to select their own team and to have their own advisers. So I have, in most cases, voted for the nominees who have come before the Senate to serve in the President's Cabinet and other important positions in the administration.

This position is the head of the Food and Drug Administration, a very important agency—one, incidentally, that

has had a substantial amount of controversy in recent years. I have been particularly interested in the FDA because we—myself along with others in the Senate—have spent a lot of time working to try to see if we can put some downward pressure on prescription drug prices.

Much to our chagrin—to those of us on both the Democratic side and the Republican side who have been working toward this end—the opposition, in many cases, has come from the Food and Drug Administration. The FDA has alleged safety issues where, in fact, there are no safety issues at all. It has been the Food and Drug Administration that has been shaking the pompoms for and cheerleading with the pharmaceutical industry on these issues.

Let me describe the issue just for a moment.

The American consumer pays the highest prices in the world for brand-name prescription drugs. Consumers who purchase those prescription drugs are charged much higher prices in the United States than elsewhere around the world. The pharmaceutical industry says it charges these prices because it can. I held a hearing on this issue when I chaired a subcommittee some years ago. The result is, the drug industry said: Well, we can charge that amount here in the United States, but we can't charge it in other countries because other countries have price controls on prescription drugs.

Yet I notice—because of a sweetheart little tax provision that was put in law about a year ago—that the drug industry has made substantial profits overseas. The sweetheart deal allows those companies that have started enterprises overseas and are earning profits overseas to now pay taxes at a 5.25-percent rate for the income they repatriate to this country, quite a deal for big companies that move their jobs overseas. According to newspaper reports, the pharmaceutical industry now has as much as $75 billion in profits they have made in other countries that they are set to repatriate to this country for a 5.25-percent income tax rate.

Interesting. They tell us they have to charge higher prices to the American consumers for prescription drugs, and they charge lower prices elsewhere because they are required by pricing policies in those countries to do so. They say they do not make much money in those countries, yet now they have $75 billion in profits from overseas sales in countries in which they have charged dramatically lower prices. So, obviously, they are making substantial profits in their sales in other countries even though the consumers in those other countries enjoy lower prescription drug prices.

Mr. President, let me, by unanimous consent, show two pill bottles, if I might.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, this is a medicine called Celebrex, made by Pfizer. These bottles are large containers that happen to be empty. It would contain 500 capsules; 200 milligrams, the usual adult dosage, it says. As you can see, this other bottle is also Celebrex. It is the same pill, made by the same company, put in the same bottle. The only difference in these bottles is the color on the labels is a bit different, but the pills that were inside were the same. This one bottle is sold in the United States and the other is sold in Canada.

What is the difference? Well, the U.S. consumer pays $2.93 per capsule out of this bottle. The Canadian consumer pays $1.32 out of the other bottle. So the one costs almost $3, the other just over $1. The American consumer is charged double the price of the Canadian consumer. It is the same pill, put in the same bottle, made by the same company, at an FDA-approved plant, sent to two different places, and the American consumers pay two and a half times more than the Canadian consumer.

Why is that the case? Well, the drug industry says they charge that price in the United States because they can and because they must in order to gather the funds for research and development. But, of course, the record shows that is not the case either. The drug industry actually spends more money on marketing and advertising than they do on research and development. And they actually spend about the same amount on research and development in Europe that they do in the United States when, in fact, in Europe they charge lower prices for exactly the same prescription drugs.

So what does all of this have to do with Dr. Crawford and the FDA? Well, for those of us who are working to allow for the importation of FDA-approved drugs from other countries—notably from Canada and Europe—one of the most significant areas of opposition has been from the FDA.

Dr. Mark McClellan was the head of the FDA for a while. He was an aggressive advocate on behalf of the pharmaceutical industry. The pharmaceutical industry could not have had a better cheerleader than Dr. McClellan. And during that time, Dr. Crawford has also been at the FDA serving as deputy. He has been there as acting commissioner for much of this administration, both before and now after Dr. McClellan. And during that time, the FDA has continued to be a roadblock to try to get lower prices on prescription drugs for American consumers.

The problem is that there is a law on the books that says the only entity that can import a prescription drug from another country is the manufacturer of that prescription drug. So a licensed pharmacist in Minot, ND, cannot go to Regina, Canada, for example, and buy an FDA-approved prescription drug, even one made in the United States and shipped to Canada. A licensed U.S. pharmacist cannot go to a licensed pharmacist in Canada, buy the FDA-approved drug at half or a third of the price and bring it back and pass the savings along to the customer.

Why is that the case? Well, because once again there is a sweetheart deal. Under this deal, trade should apparently only work for everybody but the little guy, the consumer. One would think, with free trade and the opportunity to cross boundaries, that if you are talking about FDA-approved medicines, that American consumers, particularly American pharmacists, would be able to also take advantage of the global marketplace, but they cannot.

So I, along with a bipartisan group of colleagues, have been trying to change the law. We are not proposing price controls but instead competition. Very simple: Allow an American pharmacist, a main street drugstore owner to access the identical prescription drug in Canada or Europe at a fraction of the price and bring it back and pass the savings along to the consumer. We are told that American consumers could save as much as $38 billion—that is with a ''B''—a year if that were to happen.

As a point of fact, if we were able to get our legislation passed, we would not have people shopping in Canada for prescription drugs. But the very fact that they could would force the repricing of prescription drugs based on market forces here in the United States. Unfortunately, we have been thwarted in our efforts. Senator OLYMPIA SNOWE, JOHN MCCAIN, myself, Senator KENNEDY, Senator GRASSLEY, Senator STABENOW, and many others have all worked on this for a long, long time. The first bill I introduced on this was in 1999, and still drug importation has not been allowed because it has been blocked.

Opponents have said there would be safety issues. Well, let me give you an example of the safety issue. In Europe, what we propose is done every single day: cross-border trading in prescription drugs. A pharmacist in Germany wants to buy a prescription drug from Spain, that is not a problem. If you are a pharmacy in England and want to buy a prescription drug from France, that is no problem either because they have something called parallel trading. In fact, we had the person who headed the parallel trading association come and testify before a U.S. Congressional committee. That person said there are no safety issues. But it opens the market, so consumers see lower drug prices as a result of it. But in this country, we are told we apparently cannot do it. It does not take rocket science to understand there is no safety issue.

Let me talk about Canada just for a moment. Canada has nearly an identical chain of custody for the prescription drug that comes from the manufacturer that goes to the consumer. The Canadian system is nearly identical to ours. So if an American licensed pharmacist were to buy a lower

priced FDA-approved drug from a licensed Canadian pharmacist, how on Earth could there be any kind of safety issue? There simply is not.

This is not about safety. It is about profits for the pharmaceutical industry. Now, I understand that issue. If the pharmaceutical industry were represented by people here—rather than serving in the Senate, they served the pharmaceutical industry—I would understand why you would make the case you want maximum profits. But that is not the way our economic system works. It works best for consumers when you have competition and open borders and an opportunity to trade. That is what we have been trying to do.

It is disappointing that over 6 years now we have found a lot of opposition to something that is so filled with common sense. The opposition comes from the pharmaceutical industry, from allies of the pharmaceutical industry here in this Chamber in the Senate, and from the FDA. Now, the FDA is supposed to regulate, not represent. The FDA is to regulate the pharmaceutical industry, not represent the pharmaceutical industry.

These are, in many cases, lifesaving drugs. I don't diminish the importance of prescription drugs. They provide miracles in many cases. But miracle drugs offer no miracles to those who cannot pay for them. We have all heard from people who go to the grocery store and go to the pharmacy in the back of the store first to buy the pharmaceuticals in order to understand how much money they have left for groceries. We also know that senior citizens are especially hard hit. They make up 12 percent of America's population, yet they consume one-third of the prescription drugs. It is not unusual to talk to a senior citizen who is taking 5, 7, 12 different prescription drugs every single day. Many of them simply can't afford it. America's most vulnerable population represents those who are hardest hit by prescription drugs prices.

I was at a farm in North Dakota last summer, as I was touring around. One fellow, who was about 85 years old, and his wife, who was in her mid 80s, sat on a hay bale and told me their story. He said: My wife has been fighting breast cancer for 4 years. For 4 years we have driven to the Canadian border to buy Tamoxifen because you can buy Tamoxifen at 80-percent less cost in Canada than in the United States. He talked about the number of trips they made. The only reason they could afford Tamoxifen was because they could drive to the border and get it. A small supply of drugs for personal use, a 3-month supply, has been allowed to come across the border for individuals. But very few Americans can reach that Canadian border and, on a routine basis, find a way to buy their FDA-approved drugs from Canada.

I took a group of American retired folks to Canada in a bus. We went to a little, one-room drugstore in Emerson, Canada. I saw person to person the prescription drugs they had to buy and the savings with each of them. You should have seen the look of surprise on their faces when they found out what the price was in Canada versus what they had been paying here in the U.S. This is unfair pricing. We need to do something about it. But the cavalier attitude at the FDA, the attitude of representing the drug companies rather than regulating the drug companies, means that we will continue to have to battle the FDA. Having to battle the FDA to do something that is so filled with common sense is a frustrating thing for those of us who have been working on this for years and years.

Incidentally, there are some other issues with this Commissioner, and I will not spend my time talking about those.

My colleagues, including Senator KENNEDY, with whom I spoke the other day, will make the point eloquently that we need an FDA Commissioner. It is unbelievable that we have gone all this time without having an FDA Commissioner. We have had someone who is acting for the bulk of this administration. I don't disagree with that notion. It doesn't make any sense that we have not had a full-time, permanent FDA Commissioner filling that term. But that doesn't mean that Dr. Crawford is the right person. He is not in my judgment. I wish I could vote for him, but I don't intend to.

My hope is that in the coming months, we will persuade the majority leader and others, to get a vote on drug importation legislation. If necessary, we will offer amendments at the right time and on the right bills that forces the hand of those who oppose the work we are trying to do.

My hope is at the end of the day, we will get a vote. If we get a vote allowing the reimportation of prescription drugs, there is no question it is going to pass the Senate. It will get 60–65 or more votes in the Senate. The question is getting the vote. We thought we had a commitment in the last Congress for a vote. The Senate majority leader and I had a disagreement about what the commitment said, and so we didn't get the vote. What has happened is, the majority has successfully blocked it, and the White House that stands with the pharmaceutical industry has successfully blocked it. There is now a very strong bipartisan group of Senators. I mentioned Senator SNOWE, Senators VITTER, MCCAIN, STABENOW, KENNEDY, and many others. We have over 30 Senators who have now joined as cosponsors of this legislation. One way or another we are going to prevail. When it is passed, we will see reasonable and competitive prices for prescription drugs.

I regret to say that I will vote against Dr. Crawford's nomination when the vote occurs. I wish I could come to the floor and say I will vote for the nominee. But I don't want to put further roadblocks in the way of those of us who are trying to get fair prescription drug pricing for American citizens. I believe it is critically important that we understand prescription drugs are something different, something unusual. Most countries have already understood that. If you need a prescription drug, a lifesaving drug that can either save your life or keep you out of an acute care hospital bed, you don't have a choice. You have to try and buy it, at prices that are double, triple and, in some cases, 10 times the cost for the identical drug in other countries. That is unfair to the American consumer.

Some day we will force enough people on the floor of this Senate to stand up and vote. When we do, we will have sufficient votes to move this through the Senate. I will say this: I doubt whether it will be with anything other than the obstruction of Dr. Crawford. He and Dr. McClellan before him have run the play called by the pharmaceutical industry. I really regret that is the way it is going.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I am going to be filing an amendment and also noticing an intention to suspend the rules for such an amendment. I want to preserve the right to address it on this piece of legislation. This is an amendment that would prohibit the sale of Unocal, an American oil company, to CNOOC, a Chinese Government-controlled and owned oil company.

I mentioned Friday that I think that this is a fairly simple proposition. The Chinese Government would never, ever allow an American company, let alone an American oil company, to buy a Chinese oil company. The Chinese oil companies are controlled by the Chinese Government. What we have here is a proposal by CNOOC, which is a Chinese oil company controlled by the Government, wishing to purchase an American oil company. You don't have reciprocal capabilities.

They say: Let the free market deal with this. Let's let the marketplace decide.

There is no free market or marketplace in a circumstance where the Chinese Government controls a company and the controlled company, through deeply subsidized Government loans, wishes to buy an American company, especially in something as strategic as oil.

I don't bear any ill will toward the Chinese. They are a big and growing country with a significant impact around the world. They will be a significant part of our future. But we do

have an extraordinary trade deficit with China which is dangerous for us. It is headed to over $200 billion this year. That is completely unsustainable. It is dangerous for us. Our relationship with the Chinese should and must be mutually beneficial, especially in the area of trade. Regrettably, it is not.

We are a cash cow for the hard currency needs of China. They continue to ratchet up these deficits in a significant way. In many cases, the Chinese markets are closed to our country. We also find on the streets of China a substantial amount of counterfeit and pirated goods that come from intellectual property in this country. The Chinese say they have trouble controlling all that. They don't have trouble controlling it. In fact, the logo now that belongs to the Chinese Government for the Olympic games, the minute that showed up on the streets in China under counterfeiting, the Chinese Government took immediate action, and you can't find it any more because the Chinese Government had an interest in stopping counterfeit and piracy when it came to the logo for the Chinese Olympic games.

We have a lot of issues with the Chinese—counterfeiting, piracy, trade deficit, many more. This issue is simple; should we allow a Chinese-controlled and largely Chinese-owned oil company to purchase an American oil company, especially in circumstances where they would not allow that same transaction to take place?

My answer to that is no. I don't think it makes sense for this country's strategic or economic future, and it does not make sense from the standpoint of national security. I don't believe it makes sense from the standpoint of reciprocal trade opportunities, and I don't believe those who say this is some sort of marketplace transaction. There is not a marketplace when you have government control of both the industry and the companies in the industry trying to buy American businesses.

I am filing the amendment and noticing along with it an intent to suspend the rules which would be required for me to do when I offer such an amendment. I mentioned that I also likely would offer a funding limitation amendment in the Appropriations Committee, and the House of Representatives has done the same. The funding limitation would apply to the Treasury Department, where approval for such a transaction would be required to take place.

This is not a reflection of whether I think the Chinese country is trying to do harm to our economy or anything of the sort. China is a large and growing country with 1.3 billion people, an economy that is growing by leaps and bounds. I have been to China a couple of times, and it is quite a remarkable place. But with respect to our relationship with China, that relationship must be mutually beneficial, especially in the area of international trade. It is not now mutually beneficial. There is one-way trade going on, and we are up to our neck in trade debt to the Chinese.

This transaction does not advance our interest. It might advance the Chinese interest by giving them more access to oil, but it does not advance America's interest. I hope that it is viewed through the prism of what advances our country's interests. What is it that represents the best policy choice for our country?

My sense of that is that we ought to prohibit this sale. The amendment is very simple. It doesn't beat around the bush. It is very short. It is an amendment that would prohibit the sale of an American oil company to a Government-controlled and deeply subsidized oil company in the country of China.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to read into the RECORD a statement about the passing of one of our most dedicated public officials.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. LANDRIEU are printed in today's RECORD under ''Morning Business.'')

AMENDMENT NO. 1245

Ms. LANDRIEU. Mr. President, I call up an amendment to the underlying bill, Foreign Operations.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 1245.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress regarding the use of funds for orphans, and displaced and abandoned children)

On page 326, between lines 10 and 11, insert the following:

ORPHANS, AND DISPLACED AND ABANDONED CHILDREN

SEC. 6113. (a) Congress—

(1) reaffirms its commitment to the founding principle of the Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption, that a child, for the full and harmonious development of the child's personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding;

(2) recognizes that each State should take, as a matter of priority, every appropriate measure to enable a child to remain in the care of the child's family of origin, but when not possible should strive to place the child in a permanent and loving home through adoption;

(3) affirms that intercountry adoption may offer the advantage of a permanent family to a child for whom a family cannot be found in the child's State of origin;

(4) affirms that long-term foster care or institutionalization are not permanent options and should therefore only be used when no other permanent options are available; and

(5) recognizes that programs that protect and support families can reduce the abandonment and exploitation of children.

(b) The funds appropriated under title III of this Act shall be made available in a manner consistent with the principles described in subsection (a).

Ms. LANDRIEU. Mr. President, I send this amendment to the desk and I ask my colleagues to consider this amendment. We can vote on the amendment at any time before, of course, the final passage of this bill. I send this amendment to the desk, and I will spend a few minutes this afternoon talking about the underlying bill as it relates to the U.S. work and position on orphans.

We have done a lot of great work promoting the idea that children should be raised in families. We have in the United States made a lot of progress over the last 10 years. The former administration, the Clinton administration, and the current Bush administration have made child welfare a priority, have made families a priority.

We believe very strongly in the Congress, both on the Republican side and the Democratic side, that children are best raised in families. We would like our budget to reflect that commonsense principle. I have been in a couple of hearings and a couple of meetings over the course of the last year or two that have given me, some question whether that is clear in this Foreign Operations bill. So my amendment attempts to make clear in the underlying bill what I think is the clear and overwhelming contention of the Senate—and I would imagine the House of Representatives—that we spend money promoting social policy around the world, and that we adhere to a very commonsense principle—it is not an American principle; it is a universal principle. But I can most certainly say in America people feel very strongly about the fact that children should not raise themselves and should not be raised in orphanages, unless absolutely necessary. They should not be raised in group homes and should not be left alone to raise themselves on the street. We should do everything we can to keep children in families.

Let me spend a few minutes being a little more specific. A couple of years ago, under the great leadership of Senator Jesse Helms, we passed an international treaty that put into place this principle, which basically says that in our foreign policy it is the principle of the United States to say clearly that

children should remain in the families to which they are born—that our policies should promote family stabilization, family reunification, reunifying children who might be separated because of war or disease. We should try our very best to keep children in the families to which they are born.

Separation is occurring at an alarming rate in this world today for a number of reasons. AIDS is like a factory for orphans. There is an unprecedented number of children becoming orphaned because of this particular disease. The way this disease affects families, it takes both the father and the mother, leaving children truly orphaned. ''Double orphaned'' is the way the international community talks about a child who has lost both a mother and a father. So we have a growing number of orphans in the world because of the AIDS epidemic.

But even if it weren't for the AIDS epidemic moving through, for instance, Africa and India at an alarming rate, we would still have a growing number of orphans in the world. The question is: What do we do as a human family to see that each of these children has a home, a place? That is simply what my amendment does. It recognizes it is the sense of the Congress and it recognizes the principle that children should grow up in the homes to which they were born. But if they are separated by disease, or war, or death, or for good reason—because some children are at risk in the home, perhaps from mental or physical abuse; sometimes children, unfortunately, have to be taken from parents, according to laws and customs of some countries. When that happens, those children should be raised by a relative, a caring, responsible relative, someone right there in the extended family.

If a relative is not available or willing or able to take on the care of this orphan or sibling group, then those children should be raised right there in the community or within the country of origin. And if not, then we should find a way for these children to be adopted somewhere in the world. My amendment is not making this the law; this is the law now in the United States. These are the principles that are followed by our treaty, as passed by this Congress.

My amendment simply restates, for the purpose of this bill, that the $1.6 billion the U.S. taxpayers are sending out all over the world to support children's health and survival through USAID, which is our primary agency that distributes these funds, shall be distributed mindful of this principle on which this Congress has already acted.

I believe we will have a unanimous vote on this amendment. I do not think it is something that will generate opposition, but if there are Members who oppose it, I will be happy to talk with them about adjusting any language they find objectionable.

One of the things we need to promote in this world, not only at home but abroad, is the strength and support of families because if families are strong, if children can be nurtured and cared for within the loving context of a family, then I believe communities are strong, and when communities are strong, then nations are strong. It does start with the family unit.

Any idea that we could promote successful social policy around that principle or over it or underneath it instead of embracing it fully I think is a real mistake.

That is all my amendment does. The language tracks from The Hague Treaty which has already been passed. It will leave no shadow of a doubt that the Members of this body think that as USAID gives this money to NGOs or to regular recipients, that this principle be included in the distribution of this $1.6 billion.

I would be happy to answer any questions about the amendment. The amendment is rather short, a page and a half. It is rather clear. Again, I think it will go a long way in restating in this funding bill that we are, in fact, committed to the idea that children should be raised in families and that there is really so such thing as unwanted children, just unfound families. If we would spend a little extra time and be a little bit more committed on this issue, we could, despite the growing numbers, I believe, find a home for every child who needs one. I know that is a tall order, and I know people will say: Senator, that can never be done. I know the number of orphans is on the rise. But I also know from my personal experience and the thousands of parents who have adopted children that there is plenty of room in the homes and hearts of people all over the world. If governments would just make a little better effort to identify some of these families and to promote these concepts and continue to restate them in all of our work, that is not as farfetched as it may seem.

We want to respect the family, recognize the extended family, recognize the right of relatives to raise children, but when relatives and extended family members cannot be found, we believe that children should be placed in another family, to be raised as their own, and sibling groups kept together, which is the new practice in child welfare, not only in the United States but around the world, and that governments have an obligation to reduce barriers to adoption, to cut down the costs, to eliminate the corruption, to encourage transparency, to cut down on the paperwork, and to do their best to make what is so natural and what happened before governments existed, I am certain of it. When a parent or parents died, the most responsible adult next to the child took that child under their wing and raised them as their own. It is the way it has been done since the beginning of time. I don't know why governments in this world find this very complicated. It really is not. It is quite simple.

I want to make sure our primary aid giver USAID, understands clearly that the Members of this Senate are not trying to dictate, are not trying to earmark, are not trying to tell them the specifics of how to do their work. This amendment says that in giving money for social welfare and child survival and health, the principle that children should be raised in a family should be ever present in their decisionmaking. I believe this amendment would make this issue very clear, and there needs to be clarity on this subject.

If there are no other questions, I submit the amendment for consideration by the body and will expect a vote sometime at the managers' discretion. I yield the floor.

Mr. MCCONNELL. Mr. President, is the Landrieu amendment now pending?

The PRESIDING OFFICER. That is correct, the Landrieu amendment is pending.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Landrieu amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NOS. 1248, 1249, AND 1239, AS MODIFIED, EN BLOC

Mr. MCCONNELL. Mr. President, Senator LEAHY and I have taken a look at three amendments. We find them acceptable. I send them to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbered 1248, 1249, and 1239, as modified, en bloc.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1248

(Purpose: To encourage assistance for programs to address protracted refugee situations)

On page 189, line 14, strike the period at the end and insert '': *Provided further*, That funds appropriated under this heading should be made available to develop effective responses to protracted refugee situations, including the development of programs to assist long-term refugee populations within and outside traditional camp settings that support refugees living or working in local communities such as integration of refugees into local schools and services, resource conservation projects and other projects designed to diminish conflict between refugee hosting communities and refugees, and encouraging dialogue among refugee hosting communities, the United Nations High Commissioner for Refugees, and international and nongovernmental refugee assistance organizations to promote the rights to which refugees are entitled under the Convention Relating to the Status of Refugees of July 28, 1951 and the Protocol Relating to the Status of Refugees, done at New York January 31, 1967.''.

AMENDMENT NO. 1249

(Purpose: Technical amendment relating to Nepal)

On page 303, line 17, strike ''a commitment to a clear timetable for the return to democratic representative'' and insert in lieu thereof:

'', through dialogue with Nepal's political parties, a commitment to a clear timetable for the return to multi-party, democratic''.

On page 303, line 21, strike ''Royal'' and everything thereafter through ''process'' on line 25 and insert in lieu thereof:

''Commission for Investigation of Abuse of Authority is receiving adequate support to effectively implement its anti-corruption mandate and that no other anti-corruption body is functioning in violation of the 1990 Nepalese Constitution or international standards of due process''.

On page 304, line 6, strike ''ensuring'' and insert in lieu thereof: ''restoring''.

AMENDMENT NO 1239, AS MODIFIED

(Purpose: To express the sense of the Senate regarding abusive child labor practices in the growing and processing of cocoa)

On page 326, between lines 10 and 11, insert the following:

ABUSIVE CHILD LABOR PRACTICES IN COCOA INDUSTRY

SEC. __. (a) The Senate makes the following findings:

(1) The plight of hundreds of thousands of child slaves toiling in cocoa plantations in West Africa was reported in a series by Knight Ridder newspapers in June 2001. (global)

(2) The report found that some of these children are sold or tricked into slavery. Most of them are between the ages of 12 and 16 and some are as young as 9 years old.

(3) There are 1,500,000 farms in West Africa that produce approximately 72 percent of the total global supply of cocoa, with Cote d'Ivoire and Ghana producing about 62 percent and 22 percent, respectively, of the total cocoa production in Africa. Other key producers are Indonesia, Nigeria, Cameroon, and Brazil.

(4) United States consumers purchase over $13,000,000,000 in chocolate products annually.

(5) On September 19, 2001, representatives of the chocolate industry signed a voluntary Protocol for the Growing and Processing of Cocoa Beans and their Derivative Products in a Manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

(6) The Protocol outlines 6 steps the industry formally agreed to undertake to end abusive and forced child labor on cocoa farms by July 2005.

(7) A vital step of the Protocol was the development and implementation by the industry of a credible, transparent, and publicly accountable industry-wide certification system to ensure, by July 1, 2005, that cocoa beans and their derivative products have not been grown or processed by abusive child labor or slave labor.

(8) Since the Protocol was signed, some positive steps have been taken to address the worst forms of child labor and slave labor in cocoa growing, but the July 1, 2005, deadline for creation and implementation of the certification system was not fully met.

(b) It is the sense of the Senate that—

(1) the cocoa industry is to be commended, as the Protocol agreement is the first time that an industry has accepted moral, social, and financial responsibility for the production of raw materials, wherever they are produced;

(2) the Government of the Republic of Cote d'Ivoire and the Government of the Republic of Ghana should be commended for the tangible steps they have taken to address the situation of child labor in the cocoa sector;

(3) even though the cocoa industry did not fully meet the July 1, 2005, deadline for creation and implementation of the labor certification system, it has agreed to redouble its efforts to achieve a certification system that will cover 50 percent of the cocoa growing regions of Cote d'Ivoire and Ghana by July 1, 2008;

(4) the cocoa industry should make every effort to meet this deadline in Cote d'Ivoire and Ghana and expand the certification process to other West African nations and any other country where abusive child labor and slave labor are used in the growing and processing of cocoa;

(5) an independent oversight body should be designated and supported to work with the chocolate industry, national governments, and nongovernmental organizations on the progress of the development and implementation of the certification system by July 1, 2008, through a series of public reports;

(6) the governments of West African nations that grow and manufacture cocoa should consider child labor and forced labor issues top priorities;

(7) the Office to Monitor and Combat Trafficking in Persons of the Department of State should include information on the association between trafficking in persons and the cocoa industries of Cote d'Ivoire, Ghana, and other cocoa producing regions in the annual report on trafficking in persons that is submitted to Congress; and

(8) the Department of State should assist the Government of Cote d'Ivoire and the Government of Ghana in preventing the trafficking of persons into the cocoa fields and other industries in West Africa.

Mr. MCCONNELL. For the information of our colleagues, these are three amendments, one is a modification to the Harkin amendment previously filed, one is a Leahy technical amendment regarding Nepal, and one is a Lieberman-Brownback-Kennedy amendment regarding refugees.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am advised these amendments are cleared by all the parties with interest on this side of the aisle.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1248, 1249, and 1239, as modified) were agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I know Senator LEAHY shares my view that we are going to finish this bill tomorrow. Last year, we were fortunate to finish it in half a day. Obviously, that will not be the case this year because we started it on Friday and clearly will not be able to finish it tonight. We do intend to finish it tomorrow. The Senate will be interrupted in the morning by a speech to a joint meeting by the Prime Minister of India, which many Members will want to attend. But we intend to press on as rapidly as possible. If any Members on this side of the aisle have any amendments they have not discussed yet with either myself or staff, we would appreciate them coming over now and discussing it with us because we intend to move rapidly tomorrow and hopefully clear this bill out of the Senate by sometime in the afternoon.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I totally concur with the senior Senator from Kentucky. Friday, both he and I were here in a rather lonely Chamber, I might say. We would have been happy to have gone to third reading on Friday. We were advised Members on both sides of the aisle had matters to come before this committee. Of course, extending the normal courtesy managers do on such bills, we did not go to third reading so we could accommodate those Members. We are fast approaching that time. Frankly, if we reach a time tomorrow where we are ready to wrap up this bill, I will join with the Senator from Kentucky in doing that.

I note to all Members that the bill is different than it has been in past years. We have both the operations of the State Department as well as what we normally consider the foreign aid bill. There are a number of items in the bill strongly supported by both Democrats and Republicans and a number of items sought by the President as part of his efforts in foreign policy.

We have crafted what, by anybody's measure, has to be considered a bipartisan piece of legislation, one that should get overwhelming support by this body. We have taken into consideration those items the White House needs in the normal conduct of foreign affairs, as well as those items the State Department needs in their normal operations. But we still have to pass the bill. The bill, if it was brought to a vote right now, would pass overwhelmingly. But it still has to pass.

I have never served as either leader of the Senate, but I sympathize with them. The leaders of this Senate—majority leaders Senator Mansfield, Senator BYRD, Senator Baker, Senator Dole, Senator Mitchell, Senator LOTT, Senator FRIST, as well as their counterparts—Senator Scott, Senator Griffin, and some of the same Senators I mentioned served as both minority and majority leaders, and Senator REID. It is not an easy job to schedule the Senate. The distinguished Senator from Kentucky is the deputy Republican leader. He knows that. We are trying to accommodate him. We have done everything Senator FRIST or Senator REID have asked us to do in moving this bill forward. With a little cooperation from everybody else, we can wrap up this bill and get on to other matters because we still have to go to conference, which I would like to get to very quickly so we can get a final package before the Senate.

I say that hoping someone will hear and know what the heck we are talking about, other than Supreme Court Justices. We really do want to get this bill wrapped up. Please do because once we reach a point with the amendments, we

are going to vote them up or down and finish the bill. I yield the floor.

Mr. MCCONNELL. Mr. President, let me add, we will finish the bill tomorrow for certain. It will be, obviously, easier on the membership if we do it earlier in the day.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF LESTER M. CRAWFORD TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider Executive Calendar No. 172, which the clerk will report.

The legislative clerk read the nomination of Lester M. Crawford, of Maryland, to be Commissioner of Food and Drugs, Department of Health and Human Services.

The PRESIDING OFFICER. There will now be 30 minutes of debate equally divided prior to the vote.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself 5 minutes.

I rise to discuss the pending nomination of Dr. Lester Crawford to be the Commissioner of Food and Drugs. I particularly thank all of the people who have been involved in this nomination process. It has been a great bipartisan effort. It has been thoroughly explored and we finally are at a point where we can have an actual FDA Commissioner approved. It will be a tremendous relief to me and to the Nation, I am sure.

I particularly want to thank Senator KENNEDY for his efforts in proceeding through the different hearings that we have had and all of the other work that we have had to do. The Food and Drug Administration is tasked with the broad and critical mission of protecting public health. The FDA Commissioner is in charge of an agency that regulates $1 trillion worth of products a year.

The agency ensures the safety and effectiveness of all drugs and biological products like vaccines, medical devices, and animal drugs and feed. It also oversees the safety of a vast variety of food products as well as medical and consumer products, including cosmetics.

In addition, the Commissioner is responsible for advancing the public health by helping to speed innovations in its mission areas and by helping the public get accurate, science-based information on medicines and foods. The FDA has been without a confirmed Commissioner for more than a year.

In January of this year, 17 members of the Senate Committee on Health, Education, Labor and Pensions sent a bipartisan letter to the President urging him to nominate a Commissioner to provide the agency with greater clarity and certainty in its mission to protect our food and drug supplies. Recent breakthroughs in medical science and technology show how quickly science and technology are changing our lives each and every day.

The FDA is at a critical point in its history. The potential benefits from our medical research are staggering. A fully confirmed FDA Commissioner is essential to ensuring that these medical breakthroughs can be brought to the market safely and effectively. Consumers deserve to have a fully functional FDA that can oversee the industry with confidence and authority and harness the technical achievements that can improve and save lives.

I believe the President's nominee, Dr. Lester Crawford, has the right qualifications to lead the FDA and to bring about the necessary reforms to maintain consumer confidence in our Nation's drug safety. Clearly we need someone at the helm of the FDA who can direct the agency and work with Congress to find the answers to these and many other difficult issues that will continue to come before us.

Dr. Crawford has been Acting Commissioner of FDA since March of 2004. He has a long and distinguished career in private and public service. He worked at the FDA in other capabilities before joining the agency again in 2002.

The show of support for Dr. Crawford's nomination has been strong. In the runup to Dr. Crawford's confirmation hearing in March, my committee received letters of support from more than 100 individuals and organizations. It is high time we had this debate and this vote. We waited many months for President Bush to send us a qualified nominee for the post.

In response to our bipartisan letter to the President, the President nominated Dr. Crawford. We have waited long enough. I think we can all agree that we need a strong leader at the FDA right now and one who has a mandate to act. We must be forward looking. There are many items before the FDA that require the immediate attention of an FDA Commissioner vested with full authority.

The authority flows directly from the act of Senate confirmation. Without a Senate-confirmed leader, we cannot expect the FDA to be as effective as we need it to be.

Dr. Crawford's nomination was reported favorably out of the Committee on Health, Education, Labor and Pensions on June 15. So I am pleased that we are now ready to confirm Dr. Crawford so that he can take charge, take action, and take responsibility for leading the FDA in the best interests of the public health.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I congratulate my friend and chairman of the Committee on Health, Education, Labor, and Pensions for his leadership in ensuring that the Senate will have an opportunity to vote on Dr. Crawford and, hopefully, approve his nomination.

During one time or another during 3 of the last 4 years we have not had a head of the Food and Drug Administration. As Chairman ENZI has pointed out, this agency has enormous power, influence, and say-so on many of the different issues that affect every family in this country. It regulates food, cosmetics, drugs, medical devices, even televisions and cell phones a full quarter of every dollar consumers spend. And FDA really sets the standard for the rest of the world in how it regulates these products. The rest of the world looks to our Food and Drug Administration as the gold standard, and, as Chairman ENZI pointed out, we have not had a permanent Commissioner for 3 of the last 4 years. I think we have suffered because of it.

Now we have the opportunity, with Dr. Crawford, to fill that job, and I will explain in just a few moments why I think he is eminently qualified.

I agree with those who believe that we are in the life science century. We have seen a commitment to the promise of the this century by the Congress and by administrations in recent times when we effectively doubled the NIH budget. We have seen the sequencing of the gene, the progress that we have made with DNA, the real possibility of breakthrough drugs, and the debates we are having on stem cell research. This is truly the life science century.

Quite frankly, the most important position in this life science century is who is heads the Food and Drug Administration, because we will want to have these breakthrough drugs and other treatments available to people at the earliest possible time, and that is FDA's job. We want to make sure these treatments are safe and effective. That is going to be an enormous responsibility, but I believe the possibilities and the meaning for families will be breathtaking.

So that is why this position, and the FDA, is so important. There are many things that we do in this body, and many people who are directly involved say this or that thing is the most important thing that we are going to do in the session. Well, this might not be the most important thing that is done in this session, but having a responsible, informed, enlightened, future-looking, tough-minded administrator at the Food and Drug Administration is enormously important for all Americans. That is what this debate and discussion is about.

It has also been about the importance of following science. This is enormously important, and I will say an additional word about that. It is important for the FDA to have the confidence of the American people that the FDA is calling the important decisions it makes as the science reveals that ideology and politics have not become involved.

I rise in support of Dr. Crawford to be the Commissioner of the Food and Drug Administration. Modern drugs, vaccines, and medical devices can work miracles but only if FDA does its job to see that they are safe and effective. We use food and food products from around the world and we count on the FDA to see that they are not contaminated.

FDA touches the lives of every American every day. As I said before, a full quarter of consumer products are regulated by the FDA. That is why it is so important the FDA have a full-fledged Commissioner. I fully support Dr. Crawford's nomination for the position.

His impressive record and clear commitment to public health will serve the agency well. He has dedicated his life to public service and to public health. He is trained as both a veterinarian and a pharmacologist and has many years of experience in government, industry, and the academic world.

His leadership experience at FDA dates back to 1978 when he headed the Center for Veterinary Medicine. Over the years since then, he has led the Food Safety and Inspection Service at the Department of Agriculture, headed a major association on veterinary medical education, and most recently served as Deputy Commissioner and Acting Commissioner of the Food and Drug Administration itself.

Under Dr. Crawford's leadership at FDA, we have seen stepped up efforts to monitor drug safety and to inform patients and doctors about the risks of drugs. We have recently seen increased scrutiny of drug advertising. FDA also made Herculean efforts to seek and permit the use of flu vaccines from other sources after the vaccine shortage last year, and I am hopeful that these efforts will pay off this year and in the following years in new manufacturers of flu vaccine for the U.S. market.

Clearly, more must be done. With a Commissioner in place, we can work much more effectively on the key issues facing the agency, from how FDA monitors drug safety to ways to address the flu vaccine shortage, to how it handles the conflicts of interest on its advisory committees and how it has acted on Plan B.

I intend to work with Chairman ENZI and the other members of our HELP Committee to see that these issues are addressed, to help Dr. Crawford make any changes at the agency that are needed, and to help craft legislation that will allow FDA to do its vital job more effectively.

On drug safety, FDA can only request drug companies to take action to protect the public. It is obvious that companies often have conflicts of interest and the FDA needs the authority to require better labels and insist on clinical trials of drugs already on the market, not just request them.

We need to improve the post-market monitoring of drug safety. Clinical trials before approval can and do detect many safety problems, but they should not end FDA's responsibility for the safety of drugs already on the market. When needed, new clinical trials should be required.

I just mention at this time that we intend to report out information technology legislation from the HELP Committee, hopefully this week. With information technology, we will be able to better monitor how drugs are used and the adverse reactions to those drugs, and hopefully have those reports promptly so that we will be able to provide greater protection to the public. That legislation will hopefully come out of our committee with a strong bipartisan commitment and with new leadership, and the opportunities that are out at the FDA with these new breakthrough drugs, it can make an enormous difference in terms of the quality of health care and the safety of treatments for the American people.

Above all, FDA needs enough resources to do its job effectively. The Office of Drug Safety does not even have computer systems capable of analyzing data as thoroughly as possible, and it cannot always purchase access to drug usage databases that could identify safety problems. It inspects less than 2 percent of imported food, and this much only because of a large increase in funds to FDA for that purpose after 9/11.

I note my friend and colleague, the Senator from Utah, Mr. HATCH, when he was chairman of the Health and Human Resources Committee, we worked together to try to help make sure the FDA would get the kind of resources to modernize itself and develop the kinds of technology to deal with a number of these issues.

I know of Dr. Crawford's concern for these problems and look forward to working with him to address them. I also commend Senator MURRAY and Senator CLINTON for their leadership in addressing the FDA's refusal to act on Plan B. Thanks to their leadership, the FDA has committed to making a decision on this application by September 1. I commend Secretary Leavitt and Dr. Crawford for this commitment.

I commend Chairman ENZI of the HELP Committee, who both in committee and on the floor has been even handed yet persistent in pursuing Dr. Crawford's nomination to be Commissioner. Once again, he has shown the leadership that will serve our committee well. I look forward to working with him to assist Dr. Crawford and the agency in its important public health work.

Dr. Crawford is well qualified to be Commissioner. He deserves to have full authority as Commissioner. It is time for the Senate to give him the title as well as the responsibility. I support his confirmation. I urge my colleagues to do so as well and I look forward to working with him in the years ahead.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. Mr. President, I yield 5 minutes to the Senator from Utah, Mr. HATCH, a former chairman of the committee that handles this. He has handled these confirmations before.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise in strong support of the nomination of Dr. Lester Crawford for the Commissioner of Food and Drugs.

I am pleased that the Senate is finally considering Dr. Crawford's nomination and urge my colleagues to support his nomination.

I want to stress that tonight's vote is extremely important—not only for the FDA—but for all Americans.

FDA needs a permanent Commissioner—in fact, the agency has not had a Commissioner since May 2004.

The FDA needs someone to lead on important matters where the agency has oversight—such as drug safety, food safety, approval for drugs and medical devices, and counteracting biological attacks.

Dr. Crawford is that man.

Since Dr. Crawford has been the Acting Commissioner of the FDA, he has had many accomplishments of considerable note.

Under his leadership, the FDA has undergone the most significant consolidation of FDA expertise in history with the physical facility moves to the Harvey Wiley building—the FDA's Center for Food Safety & Applied Nutrition near University of Maryland—and the White Oak campus.

As a result of Dr. Crawford's personal intervention and involvement, the most at-risk Americans were able to receive a safe and effective flu vaccine last year during the shortage crisis.

Dr. Crawford steered the FDA through one of the most difficult times in its history with the various drug safety issues of last year resulting in the creation of a new Drug Safety Oversight Board and Drug Watch internet page for consumers. This is a landmark milestone in drug safety and a paradigm shift for the FDA to one of openness and transparency.

Dr. Crawford has led the FDA on a series of important decisions that have transformed the regulation of food in the United States.

Under his leadership, the FDA fully implemented the Bioterrorism Act of 2002 a law that helps make our food supply safe on a daily basis. We have much more work to do and I am pleased to say you are helping to lead in that regard, Mr. President, and I am very appreciative of that.

Dr. Crawford implemented a risk management plan for the shell eggs industry that reduces dramatically the probability of salmonella.

Dr. Crawford is personally responsible for the complete overhaul and reform of good manufacturing practices for drugs, foods, and dietary supplements. When all of these major regulations are fully implemented, Dr. Crawford will be successful in creating the best quality control system in the world for regulating these consumer products.

Most recently, he assured me that the agency's final action on dietary supplement GMPs will be forthcoming in the near future. I welcomed his decision and the finality he has promised to this long overdue process.

Dr. Crawford has overseen user fee programs for both medical devices and veterinary drugs.

Dr. Crawford has led the agency in the development of the ''critical path'' that promotes a plan for bringing novel discoveries to market through the FDA system to fight such diseases as cancer.

I am convinced that Dr. Crawford is the best person for the job and the sooner we get him confirmed, the better.

On a personal note, I have known Dr. Crawford for many years.

He is a man of integrity.

He is a strong leader.

He is accessible.

He is someone who understands both science and public policy.

I believe that Dr. Crawford has all the qualities necessary to be the best Commissioner the FDA has ever had.

I urge my colleagues to vote in favor of Dr. Crawford today, a vote so long overdue.

I yield the remainder of my time to the distinguished chairman.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. Mr. President, I yield 2 minutes to the Senator from Iowa, Mr. GRASSLEY.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 2 minutes.

Mr. GRASSLEY. Mr. President, I have considered Dr. Crawford's experience and performance on the job for well over a year now. In fact, Dr. Crawford has been the man in charge at FDA since I began taking a hard look at the FDA. It has been a long year for the FDA and I have taken a long look at Dr. Crawford's efforts to address FDA's problems.

I know Dr. Crawford is intimately familiar with how the FDA operates. He has twice served as acting Commissioner, most recently since March 2004, and his lengthy service at the FDA is commendable. Dr. Crawford and I have met on a couple occasions. He is a gentleman and seems to have the best of intentions. He told me personally that he understands there are problems at the FDA that need to be fixed. I believed at one point that he was capable of fixing those problems. However, as the saying goes, ''the proof is in the pudding.'' Today, I am here to say that I cannot vote for Dr. Crawford to be the next Commissioner of the FDA.

During the last 18 months, this country's confidence in the FDA has been shaken. It has been shaken not because of one isolated incident or one isolated whistleblower. It has been shaken because multiple drug safety concerns have been exposed by more than one courageous whistleblower. My oversight of the FDA leads me to the conclusion that there are cultural and systemic problems at the FDA. Unfortunately, Dr. Crawford has long been part of that same culture and system. The evidence is overwhelming that the FDA must change to better protect the American people. Dr. Crawford does not appear willing to be the man to change the FDA.

During Dr. Crawford's tenure, I have witnessed the suppression of the scientific process and the muzzling of scientific dissent. First, with Dr. Mosholder finding a link between antidepressants, children and suicide. And second with Dr. Graham's allegations regarding the FDA, Vioxx and postmarketing safety generally. Dr. Graham's testimony before the Finance Committee suggests that the problems are systemic. Oversight of the FDA exposed the cozy relationship that exists between the FDA and the drug industry. It revealed that the FDA negotiated for almost 2 years with Merck about how to change the Vioxx label so people would know about the risk of heart attacks.

But the problems are not isolated to the Center for Drug Evaluation and Research. My staff continues to interview FDA staff across the agency, employees who are doing important work on drugs, devices, and biologics. It is becoming more and more obvious to me that FDA is plagued by structural, personnel, cultural, and scientific problems. Those problems should be equally obvious to Dr. Crawford. But under the leadership of Dr. Crawford, the FDA appears to be in a state of denial. Over the past 18 months, Dr. Crawford has not stepped up to the plate. I have seen no recognition of the depth and breadth of the problems at the FDA. I have only seen a few short-term bandaids.

The systemic problems at the FDA demand visionary leadership. Dr. Crawford has not shown me that he is the leader to fix the FDA.

Mr. HARKIN. Mr. President, I rise in favor of the nomination of Dr. Lester Crawford to be the Commissioner of the Food and Drug Administration. I do this because I believe it is important for the FDA to have stable, permanent leadership at this critical time in its history. Dr. Crawford has valuable experience both in and out of government and has a background that makes him qualified for this position.

I want to highlight several issues where I would like to work with Dr. Crawford in the future. First, Congress passed the Dietary Supplement Health and Education Act, DSHEA, in 1994 to ensure the availability and safety of dietary supplements that millions of Americans rely on. Under the leadership of Dr. Crawford as Acting Commissioner, FDA has made significant progress in implementing and enforcing it. There is still work to be done on this issue, and I look forward to continuing to work with FDA to fully implement DSHEA, and to make sure that U.S. consumers have access to safe, effective, and affordable dietary supplements. ,

Second, given the Nation's obesity epidemic, I appreciate the efforts Dr. Crawford and the agency are making to improve consumer education and information regarding nutrition choices. I urge Dr. Crawford to follow-up and implement recommendations contained in the FDA report on obesity, ''Calories Count.'' In particular, Dr. Crawford should direct the entire restaurant industry to follow the recommendation to develop a nationwide and point-of-sale nutrition information campaign for consumers to include information on calories.

However, I am also voting in favor of Dr. Crawford's nomination in full support of the efforts of my colleagues, Senators MURRAY and CLINTON, to obtain a commitment from Dr. Crawford prior to his confirmation that the FDA will act promptly and in a scientifically appropriate manner on the sale of emergency contraception. I understand they have secured that commitment. I share Senator MURRAY's and Senator CLINTON's concern about the FDA's handling of the application for over-the-counter sale of emergency contraception, or the ''morning after'' , pill. There is absolutely no dispute that emergency contraception is safe and effective. The FDA's own advisory panel concluded unanimously in December 2004 that emergency contraception was both safe and effective. I strongly disagree with the FDA's decision last year to deny over the counter status to emergency contraception. Over the counter sale is about prevention. The morning after pill prevents the need for abortions, a goal that every Member of this body supports.

I am voting in favor of Dr. Crawford today. However, with this vote, I urge the FDA to address some fundamental challenges facing it in the future. The FDA must continue to take action to address post-market safety of the drugs it approves. In several high profile cases, the public's trust in the agency has been eroded. I look forward to working with Dr. Crawford on safety issues in the future.

Mr. KOHL. Mr. President, I rise in support of the nomination of Lester Crawford to serve as Commissioner of the Food and Drug Administration, FDA. The FDA has been without a permanent director for too long. I believe Lester Crawford is qualified to head the FDA and hope the establishment of permanent leadership can put to rest some of the uncertainty and delayed decisions that have been plaguing the agency for the last year.

While I remain concerned about resistance by the FDA to allow the reimportation of prescription drugs to ensure that our seniors have access to affordable prescription drugs, I have expressed my concerns to Dr. Crawford. The reality is that drug importation is already happening. It's time to stop defending the status quo and setting up new roadblocks, and I am hopeful that Dr. Crawford will work with Congress to give Americans the price relief and safety assurances they need.

I am also hopeful that the appointment of Dr. Crawford will help restore the agency's focus on ensuring that safe and effective drugs reach the market in a timely manner, and that recent issues that have plagued the FDA, such as questions regarding drug safety, advisory committee conflicts of interest and drug advertisements, to name only a few, will be addressed.

Mrs. CLINTON. Mr. President, I rise today to oppose the nomination of Lester Crawford to be Commissioner of the Food and Drug Administration.

The FDA is a vitally important agency, charged with ensuring that the products we rely on for our health and well-being are safe and effective. Having a strong leader at the helm is essential to a well-functioning agency.

Ultimately, after weighing the facts and considering the events that have occurred under Dr. Crawford's watch as Acting Commissioner, I came to the conclusion that I cannot support this nominee.

As I said during Dr. Crawford's confirmation hearing and during the HELP Committee's consideration of his nomination, Dr. Crawford's tenure at the FDA has been marked by controversy. The agency has faced scrutiny over its response to various crises: the failure to adequately warn us of the possibility of an influenza vaccine shortage, the failure to heed concerns about drug safety raised by both agency employees and outside scientists, and the failure to adequately separate science from what is viewed as ideology-driven decisionmaking.

As a result, public confidence in the ability of the FDA to ensure the safety and efficacy of drugs is failing. The dedicated scientists and civil servants who work at the agency are losing morale. They have clearly identified the need for reform, for change, and for improvements at the agency.

In December 2004, the Office of the Inspector General of the Department of Health and Human Services released the results of a survey that found two-thirds of FDA scientists do not believe the agency adequately monitors the safety of prescription drugs.

In March 2005, Dr. Sandra Kweder, Deputy Director of the Office of New Drugs at the FDA, testified that it ''would be helpful'' to change FDA authority, and give them the power to require changes in drug labels, rather than have to negotiate such changes in a lengthy back-and-forth process with manufacturers.

And just last week, Dr. Janet Woodcock, Deputy Commissioner of Operations at the agency, told an Institute of Medicine panel:

> This system has obviously broken down to some extent, as far as the fully informed provider and the fully informed patient.

But Dr. Crawford's response to these concerns has been less than adequate. He has maintained that the agency ''is fully capable of carrying out its mission under its current regulatory and statutory authority,'' despite statements and evidence to the contrary from both those inside and outside the agency.

His attempts to address the clear issues faced by the agency have been inadequate to the task. For example, despite his November 2004 announcement that the FDA would fill the position of Director of Office of Drug Safety, this position is still vacant—at a time when concerns over drug safety have been at the forefront of news about the FDA.

At a time when the FDA needs a strong leader to restore its reputation, Dr. Crawford represents an unacceptable status quo. I fear that his record demonstrates that he lacks the vision and the drive necessary to ensure that the FDA is the gold standard of drug regulation. He has failed to address the concerns raised by his own employees about the needs of the agency. And he cannot provide assurances that the FDA will place science, not ideology or other interests, as the cornerstone of its decisionmaking.

In addition, I am deeply concerned about the interference of personal beliefs over science in the decisionmaking process surrounding emergency contraception. By now, the details are all too familiar: the FDA's scientific advisory committees voted 23 to 4 in favor of the drug being made available over the counter. More than 70 organizations, including the American Academy of Physicians, American Associations of Family Physicians, American College of Obstetrics and Gynecologists, and the American Medical Association, submitted testimony in support of Plan B being made available over the counter.

Press reports later revealed that internal FDA memos indicated that career professionals at the agency had recommended unconditional approval of the application. And according to a May 8, 2004, article in the New York Times, several former FDA officials said they ''could not remember another instance in which Dr. Galson, a career officer in the public health service or any of his predecessors had overruled both an advisory committee and staff recommendations.''

In May, both The Nation and the Washington Post reported that Dr. Hager, a member of the Reproductive Health Advisory Committee, had stated, on videotape that he was asked to write a minority report arguing that Plan B should not be made available over the counter.

And the result, up until Friday, was foot dragging by the FDA. That is why my colleague, Senator MURRAY, and I felt it necessary to hold up Dr. Crawford's nomination. We wanted to send a strong message that the FDA needed to act on this application, which it has had for more than 2 years. We believed, and still do, that the American people have a right to an answer.

On Friday, we received a letter stating that the FDA would make a decision on Barr Laboratory's application to move Plan B to over-the-counter status by September 1, 2005. This is a giant step forward, but it does not erase the missteps under Dr. Crawford's watch.

That is why I cannot in good faith support Dr. Crawford to be Commissioner of the FDA. Like so many Members of this body, I want the FDA to have a permanent Commissioner, and I think it is high time for that. But that Commissioner must be someone who can restore the drug approval and safety processes to the gold standard that the New Yorkers who I represent and the Americans who rely on this process for their health and, even their lives, deserve.

I vote ''nay'' and I urge my colleagues to do the same.

Ms. MIKULSKI. Mr. President, I rise before you today to discuss the nomination of Lester Crawford as Commissioner of the FDA.

I first want to say that I love the FDA. FDA is in my home State of Maryland. It employs over 10,000 of my constituents. It is right down the road from the NIH. I am proud to have all that research at NIH, and then have FDA in Maryland standing up for the food safety of the American people, looking out to make sure that the drugs and the technologies that we use are safe.

Over the years I have fought for the right facilities, the right resources, and now the right leadership at the FDA. But I tell you, today is a very sad day for me because I cannot bring myself to support Lester Crawford as the Commissioner, and it is because I am so enthusiastic about FDA.

While I agree the agency has needed someone in charge, Dr. Crawford has not been in charge. His stewardship of the agency going back to 2002 has been both tepid and passive.

For example, under Dr. Crawford's leadership, the drug Vioxx was found to have increased risk of heart attacks long before FDA took any action. FDA was slow to reveal the knowledge of increased rates of suicides among teenagers taking antidepressants. There was delay. There is the politicizing of science as exemplified by the endless dispute over emergency contraception. And then there has been a ''just say no'' attitude to imported drugs.

And all of those people looking at homeland security tell us that our food supply is vulnerable to terrorist attacks. And what do we get from the FDA? We get passivity.

I am particularly concerned about the issue of drug safety. The FDA has been and must remain the gold standard in maintaining drug safety. Yet today there is a crisis of confidence over drug safety in the public's mind. At Dr. Crawford's nomination hearing in the HELP Committee earlier this year, he suggested that the newly formed Drug Safety Board within the FDA will be a way to guarantee this safety. I asked him how he could guarantee this board—which will exist within the FDA—will be able to provide independent review.

He gave me the bureaucratic answer and bureaucratic structure. I asked if he would be in charge of this important guarantee. He said ''no,'' he was going to delegate that to an Assistant Commissioner. I asked ''Why?'' He said: ''Because I would have to be involved in personnel and budgets.'' Well—that is his job, isn't it? That is exactly the kind of answer we are talking about. You cannot preside over FDA. You have to run FDA.

The nations of the world that cannot afford it look to our FDA to be the gold standard. Physicians and other allied health people who are prescribing drugs or using technologies need to know that they have an FDA that they can count on. And also we, the patients of the United States of America, need to know that we can count on the FDA. And the pharmaceutical industry has to have an FDA that provides even-handed regulatory authority. That is why I cannot support Lester Crawford as Commissioner.

It is with great reluctance that I have come to this decision, but it is because I love FDA and its mission, and know that the people of America are counting on it. Whether you are a doctor, or whether you are a patient, we need the FDA, and we need strong leadership. Therefore, regretfully, and reluctantly, and sadly, I am going to vote ''nay''.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself 2 minutes.

I thank everybody who has made comments today. I wish to address the last few comments that were made because our committee has oversight over the Food and Drug Administration. We are concerned about any situation that would give people less than full confidence in the medicines they are taking.

What we have been faced with for the last 18 months, which has been mentioned, is kind of giving a person a job. We have not given him the job, we have kind of given him the job. Anybody who has read transcripts from previous confirmation hearings would know that this is an extremely difficult position to ever get confirmed from. There are a lot of viewpoints from both sides. We have to have somebody in charge who has full authority, who has the right to look at the science and make decisions, who has full authority to make structural changes. I would say that Senator KENNEDY and I have been looking at that, doing the oversight.

With respect to drug safety, I want my colleagues to know that I take the recent drug safety concerns seriously. Senator KENNEDY and I are working together with our fellow committee members to develop comprehensive FDA drug safety legislation in this Congress and to bring that bill before the Senate so there can be those changes.

We will act, but we will act in a way that is mindful of the importance of weighing the risks of drugs and the benefits of the drugs on the same scale. Every drug has risks, and we would do the American people a grave disservice if we overreact to recent controversies.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY I yield myself 2 minutes.

Mr. President, I agree with the Senator from Iowa that the Vioxx incident was an important failure for FDA. But that was not the failure of Dr. Crawford or even of FDA. The main problem is the FDA does not have the resources necessary to do the kind of work that is required. It happens to be the case. The main problem at FDA is one of resources. The FDA does not have the money it needs to address drug safety, to do the monitoring of drugs, the post-approval surveillance that it should. The Office of Drug Safety needs better computers and better access to the databases that are out there that can tell us about how drugs are being used and what happens when they are used. Congress needs to give the FDA more resources to do this.

With respect to the antidepressants, the FDA quite legitimately worked to better understand the issue before it required the label change. With respect to the Vioxx label change, the Senator is correct that it took too long, but that is because we in Congress have not given FDA the authority to require label changes. We need to change that.

The FDA does not have all of the kinds of authority it needs to regulate drugs after they are approved. I will be glad to work with the Senator from Iowa because, as one who has been interested since I have been in the Senate about strengthening the FDA, we have not given them the authority and the power to be able to do that kind of job.

Mr. HATCH. Will the Senator yield on that point?

Mr. KENNEDY. Yes.

Mr. HATCH. Isn't it true we passed the FDA revitalization bill back in 1989 to create this central campus where we could have the best state-of-the-art equipment? We had 48 different locations where FDA was located all over the greater Washington area; is that true?

Mr. KENNEDY. The Senator is correct.

Mr. HATCH. We have treated the FDA like a wicked stepsister instead of giving it the money it needs. It handles more than 25 percent of all consumer products in America, right?

Mr. KENNEDY. The Senator is correct.

Mr. HATCH. No matter who is FDA Commissioner, under those circumstances it is very difficult to get a handle on everything that needs to be addressed by the FDA.

Mr. KENNEDY. The Senator is correct. I look forward to the opportunity of working with the Senator from Utah, the Senator from Wyoming, and the Senator from Iowa. We ought to give this agency the authority, the power and the responsibility, as well as the resources to use it effectively. I know under Chairman ENZI we will have the oversight to make sure the agency is doing what it should.

But I do believe this nominee deserves to be the Commissioner. I think it is about time we have a Commissioner. Then let's all work together to make sure he and the agency meet his and its responsibilities.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. ENZI. Mr. President, as we move to a vote on the nomination of Dr. Lester Crawford to serve as Commissioner of Food and Drugs, I want to remind my colleagues of the important role the Food and Drug Administration plays in protecting and promoting the public health.

The FDA's mission is broad. The FDA regulates food, drugs, biologics, medical devices, animal feed, and cosmetics. The FDA regulates everything from cellular phones to cell tissue and gene therapies. In fact, Americans spend more than 25 cents of every dollar on products regulated by the FDA.

And as science progresses, the challenges of regulation grow. For instance, the FDA regulates a host of new products that blur the FDA's traditional boundaries. Today, the FDA is charged with regulating drug-delivery devices, such as coronary stents coated with drugs that contribute to keeping arteries open. Then there are next-generation orthopedic implants with biologic products built into them to stimulate tissue growth.

All of these new innovations require a nimble and responsive agency to regulate them, and they require resources to match. Today, in fact, Senator KENNEDY and I are introducing legislation to protect and strengthen a critical user-fee program. This program provides FDA with a stable stream of revenues to support the agency's mission to review and approve new medical devices. Without our action, that program would expire at the end of this fiscal year.

I believe that is just one expression of bipartisan support for FDA. Is FDA perfect? Of course not. FDA is staffed by human beings, and from time to time they make mistakes—as do we all.

But the FDA plays a critical role in our Nation's public health, and an important agency such as FDA needs to

have a strong leader with the power vested in him by Presidential nomination and Senate confirmation.

So I urge my colleagues to accept the President's nominee, Dr. Lester Crawford, and to vote to confirm him as the next Commissioner of Food and Drugs.

Mr. KENNEDY. Will the Senator yield another minute? Am I right, we have until a quarter of?

The PRESIDING OFFICER. The Senator from Wyoming has a minute 20 seconds remaining, the Senator from Massachusetts has 2 minutes 40 seconds.

Mr. KENNEDY. May I ask the Senator for a minute?

Mr. ENZI. Yes.

Mr. KENNEDY. Seeing who is in the chair, does the Senator not agree with me that one of the additional important responsibilities of the FDA is going to be bioterrorism? We are going to need a Commissioner at the FDA to lead this important work to prepare us against a bioterrorist attack. That is going to be enormously important. The HELP Committee has had our recent briefings on this issue, and bioterrorism is certainly an important area on which we will need the leadership of the FDA. I know the Senator from Wyoming is concerned about this bioterrorism, and the BioShield legislation, to make sure we have the vaccines and other medical products on line to respond to the dangers of bioterrorism. Bioterrorism is a pressing area in which we are going to have to work, and we need a leader at FDA to help us.

Mr. ENZI. The Senator is absolutely correct. The Presiding Officer is chairing that subcommittee and holding extensive hearings on that and bringing together some great experts to help us resolve that.

Mr. HATCH. Will the Senator yield also for just a moment? We introduced the bioshield II, the Lieberman-Hatch bill that has gone a long way to resolving this matter, and I intend to work with the Senator from North Carolina and the distinguished chairman and ranking member to see if we can bring this to a conclusion that works.

I thank the chairman.

Mr. ENZI. Mr. President, I yield any remaining time we have. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is, Will the Senate advise and consent to the nomination of Lester M. Crawford, of Maryland, to be Commissioner of Food and Drugs, Department of Health and Human Services. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alaska (Ms. MURKOWSKI).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Connecticut (Mr. DODD), and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 16, as follows:

[Rollcall Vote No. 190 Ex.]

YEAS—78

Akaka	Dole	Lott
Alexander	Domenici	Lugar
Allard	Ensign	Martinez
Allen	Enzi	McConnell
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Frist	Pryor
Bingaman	Graham	Reed
Bond	Gregg	Reid
Brownback	Hagel	Roberts
Bunning	Harkin	Rockefeller
Burns	Hatch	Salazar
Burr	Hutchison	Santorum
Byrd	Inhofe	Sarbanes
Carper	Inouye	Sessions
Chafee	Isakson	Shelby
Chambliss	Jeffords	Smith
Cochran	Johnson	Specter
Coleman	Kennedy	Stevens
Collins	Kerry	Sununu
Conrad	Kohl	Talent
Cornyn	Kyl	Thomas
Craig	Landrieu	Thune
Crapo	Leahy	Voinovich
DeMint	Levin	Warner
DeWine	Lieberman	Wyden

NAYS—16

Baucus	Durbin	Schumer
Boxer	Grassley	Snowe
Cantwell	Lautenberg	Stabenow
Clinton	Mikulski	Vitter
Dayton	Murray	
Dorgan	Obama	

NOT VOTING—6

Coburn	Dodd	McCain
Corzine	Lincoln	Murkowski

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006—Continued

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to set aside the pending amendment for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1250

Mr. GRASSLEY. Mr. President, I am going to offer an amendment. Before I send it to the desk, I want to speak to the amendment.

In March of 2004, the Export-Import Bank approved the issuance of $9.87 million in taxpayer-guaranteed credit insurance to help Angostura Holdings Limited, of Trinidad and Tobago, to finance the construction of an ethanol dehydration plant in Trinidad. The purpose of this credit insurance was to enable Angostura to purchase equipment to be used to dehydrate up to 100 million gallons of Brazilian ethanol annually. Angostura would then reexport the resulting dehydrated ethanol to the United States duty free under the current Caribbean Basin Initiative Trade Preference Program.

The credit insurance approval, however, had one major flaw. It appeared to violate the Export-Import Bank's authorizing statute. I want to explain that statute.

Section 635(e) of the Export-Import Bank's authorizing statute—that is the Export-Import Bank Act of 1945—states that the bank is not to provide credit or financial guarantees to expand production of commodities for export to the United States if the resulting production capacity is expected to compete with U.S. production of the same commodity and the extension of such credit will cause substantial injury—I emphasize ''substantial injury''—to U.S. producers of the same commodity.

The statute goes on to provide that ''the extension of any credit or guarantee by the Bank will cause substantial injury if the amount of the capacity for production established, or the amount of the increase in such capacity expanded, by such credit or guarantee equals or exceeds 1 percent of United States production,'' with emphasis upon exceeding 1 percent of United States production.

I want to go back to last year then. As of last year, when the credit guarantees for Angostura were approved, the total 100 million gallon capacity of the Angostura facility was nearly 4 percent of U.S. production. This amount clearly then exceeds the 1 percent threshold for causing substantial injury to the U.S. ethanol industry as spelled out in the Export-Import Bank's authorizing statute.

I want to make clear, we are not talking about changing existing policy. We are talking about not letting somebody use subterfuge to get around existing law. It appeared to me that the approval of credit guarantees for Angostura by the Export-Import Bank violated the bank's authorizing statute. Moreover, as the amount financed by the Export-Import Bank was less than $10 million—remember, we are talking about $9.87 million—there was no detailed economic impact analysis conducted by the bank. So it seems to me they were conveniently under the $10 million threshold as a way of muddying the waters, camouflaging this transaction, not drawing attention, not even taking their official look at the requirements of the statute by being about $130,000 under the $10 million threshold, hoping that somehow this would get by without our finding out about it.

In the Consolidated Appropriations Act of 2005, Congress asked the Export-Import Bank for an explanation of the credit guarantees for Angostura. Specifically, the 2005 Act required the Export-Import Bank to submit a report to

the Committees of Appropriations of the Senate and the House containing an analysis of the economic impact on U.S. ethanol producers of the extension of credit and financial guarantees for the development of the ethanol dehydration plant in Trinidad and Tobago. Congress also required that this report determine whether such an extension will cause substantial injury to such producers, as defined in section 2(e)(4) of the Export-Import Bank Act of 1945.

In January of this year, the Export-Import Bank provided its report. In its report, the Export-Import Bank skirted around the issue of whether its credit guarantees for Angostura caused substantial injury to U.S. producers, and thus whether the approval of these guarantees was in compliance with the Export-Import Bank's authorizing statute. The Export-Import Bank skirted the issue by claiming that the Angostura plant will not ''produce'' dehydrated ethanol. Rather, the Export-Import Bank stated that this plant will merely ''process'' dehydrated ethanol by removing water from wet ethanol produced in Brazil, thus merely ''adding value'' to the wet ethanol from Brazil.

The Export-Import Bank's response to Congress was, to be polite, a curious one. The Export-Import Bank's linguistic gymnastics aside, Angostura's plant will clearly be producing dehydrated ethanol. This is common sense. An ethanol dehydration plant—of course—produces dehydrated ethanol.

Moreover, the Customs Service recognizes that ethanol dehydration plants in Caribbean Basin Initiative countries produce dehydrated ethanol.

From what I can see, the Export-Import Bank's approval of credit guarantees for Angostura's ethanol plant violated the Export-Import Bank's authorizing statute by causing substantial injury to U.S. producers of the same commodity, in violation of the law. Accordingly, it is only right that no further funds should be provided for this facility.

My amendment would simply provide that no funds made available under the 2006 Foreign Operations Appropriations Act may be used by the Export-Import Bank to approve or administer a loan or guarantee for Angostura's ethanol dehydration plant. The credit guarantees for Angostura were improperly approved. Angostura, and ultimately Brazilian ethanol producers, should not continue to benefit from credit guarantees that were improperly provided by this bank.

I urge my colleagues to support this amendment.

I send the amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1250.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to approve or administer a loan or guarantee for certain ethanol dehydration plants)

On page 326 between lines 10 and 11 insert the following:

EXPORT-IMPORT BANK

SEC. 6113. None of the funds made available in this Act may be used by the Export-Import Bank of the United States to approve or administer a loan or guarantee, or an application for a loan or guarantee, for the development, or for the increase in capacity, of an ethanol dehydration plant in Trinidad and Tobago.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDEPENDENT SUPREME COURT

Mr. BAUCUS. Mr. President, in the Declaration of Independence, one reason our Founders decided for a revolution against King George was ''He has made judges dependent on his will alone.''

That same year, the Delaware Declaration of Rights and Fundamental Rules stated:

That the independence and uprightness of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people.

In the Federalist Papers, explaining our great Constitution, Alexander Hamilton quoted Montesquieu to say:

There is no liberty, if the power of judging be not separated from the legislative and executive powers.

It is the independence of the Supreme Court that is at stake in the coming consideration of the Court's next nominee. Our Constitution embodies that independence of the Court in its separation of powers, in its checks and balances, and in its structure that provides of the President:

He shall nominate, and by and with the advice and consent of the Senate, shall appoint . . . judges of the Supreme Court.

The Senate's active advice and consent role in the confirmation of a Supreme Court Justice helps to ensure that nominees have the support of a broad political consensus. The Senate's role helps to ensure that the President cannot appoint extreme nominees. The Senate's role helps to ensure that Justices are more independent from the President.

Time and time again the history of our Supreme Court has demonstrated the importance of that independence. Time and time again, it has mattered that the Supreme Court had brave men and brave women who were willing to rule against the interests of the President. Time and time again, it has mattered that the President had to appoint independent thinkers that would withstand the tough scrutiny of the Senate.

It mattered that we had an independent court when our Nation was young, in 1803, when the Supreme Court decided the case of Marbury v. Madison. It mattered that we had an independent court so that Chief Justice Marshall could write for the Court:

It is emphatically the province and duty of the judicial department [that is the judiciary] to say what the law is. . . . If two laws conflict with each other, the courts must decide on the operation of each. . . . That is the very essence of judicial duty.

Today, most take for granted this bedrock principle of judicial review set forth in Marbury v. Madison. But recall the plaintiff in that case, William Marbury, challenged President Thomas Jefferson's administration. If the President, Thomas Jefferson, had been able to appoint Justices without an effective check by the Senate, then perhaps the President would have been able to appoint Justices who believed as he did—as Jefferson did—when he wrote, in 1820, a letter saying:

It is a very dangerous doctrine to consider the judges as ultimate arbiters of all constitutional questions.

Just think for a second what that means. President Thomas Jefferson, back in 1820, wrote that it was unfortunate and dangerous doctrine to consider judges as the ultimate arbiters of constitutional questions. If it wasn't he, who would it be? Clearly, Thomas Jefferson thought it would be he, the President, not the Supreme Court.

Without concern for the Senate's advice and consent, a more recent President might have appointed a Justice who believed as did former Attorney General Edwin Meese, 20 years ago, when Meese argued that the Supreme Court's interpretations of the Constitution, in his words, did not establish a ''supreme law of the land.'' That is Edwin Meese, who was U.S. Attorney General 20 years ago. And recall that Attorney General Meese asserted that the Reagan administration was free to rely on its own views on the meaning of the law.

That is revolutionary, and I don't use that word unadvisedly. It is a long-established principle that the Constitution is what the Supreme Court says it is. It has to be. The Constitution is not what the President says it is, it is what the Supreme Court says it is. The judiciary is a free, independent, third branch of Government.

It also mattered that we had an independent Supreme Court in 1952, when the Court decided Youngstown Sheet & Tube Company v. Sawyer, otherwise known as the ''steel seizure case.''

It was the time of the Korean War, and we faced a steel strike. President Truman tried to seize the steel companies in order to avert a strike. It mattered that we had an independent Supreme Court so that the Court could rule against President Truman—an independent arbiter saying: No, Mr.

President, that is not proper; the Constitution doesn't permit that.

It mattered that Justice Hugo Black was independent enough to write for the majority when he wrote:

The Constitution limits his [that is, the President's] functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute.

That is very clear. The Supreme Court stood up to the President and said, Mr. President, that is unconstitutional.

It mattered that we had an independent Supreme Court in 1974, when the Court heard U.S. v. Nixon, otherwise known as the Watergate tapes case. Let's go back and review those facts.

President Nixon fought against Special Prosecutor Leon Jaworski's subpoena to get the Watergate tapes. It mattered that we had an independent Supreme Court, so that the Court could rule against President Nixon's claim of executive privilege. The President thought he had that privilege. If he had his way, he would determine the rule of law in the United States. But, no, we had an independent third branch, the Supreme Court, which ruled that the President in his interpretation of the Constitution was incorrect. In effect, the Constitution was standing up for all of us as Americans, protecting our rights against Presidents who want to have their way, which Presidents want to do after they are in power after several years.

It mattered that Chief Justice Warren Burger was independent enough to write for the majority in that case:

Neither the doctrine of the separation of powers, nor the need for confidentiality of high level communications, without more, can sustain an absolute, unqualified Presidential privilege of immunity from judicial process under all circumstances.

That, in effect, is what President Nixon was asking for. The Supreme Court stood up for our rights against a President.

Earlier, in 1969, on appointing Justice Burger as Chief Justice of the Supreme Court, President Nixon had said:

Our Chief Justices have probably had more profound and lasting influence on their times and on the direction of the Nation than most Presidents.

Well, in the time of President Nixon, it certainly mattered that we had an independent Supreme Court.

It mattered that we had an independent Supreme Court in 1963. In that year, the Supreme Court decided Gideon v. Wainwright, which upheld the right of counsel in State courts for people who could not afford a lawyer. A President might not want lawyers questioning the Government's prosecutors. Most Presidents don't. It mattered that an independent Supreme Court ensured that they can.

It mattered that we had an independent Supreme Court in 1964, when that Court decided New York Times v. Sullivan. That case has a standard that public officials, including Presidents, would have to meet to sue those who criticize them for the conduct of their office.

It mattered that we had an independent Supreme Court so that the Court could establish a rule against the interest of public officials, something public officials don't like. That is a standard that we don't like in this body. We don't particularly like it, but people can use it. It is the right decision. It makes it uncomfortable at times. The Court could rule that the first amendment protects the publication of statements about public officials, except when made with actual malice—that is, with knowledge that they are false or in reckless disregard of whether or not they are false. That was an independent Supreme Court. So it mattered that Justice William Brennan was independent enough to write the majority in that opinion, and he said:

We hold today that the Constitution delimits a State's power to award damages for libel in actions brought by public officials against critics of their official contact.

I imagine most Presidents don't like that if the Supreme Court says it is necessary in interpreting the Constitution to protect American rights.

It mattered when we had an independent Supreme Court in 1954 when the Court decided Brown v. Board of Education. A Court that was dependent on the President might have wanted to skirt that issue of segregation, to duck the injustice of racial segregation in our schools.

Why do I say that? Because Jim Newton, a Los Angeles Times editor and biographer of Chief Justice Earl Warren, has written that President Eisenhower, who appointed Chief Justice Warren, tried to influence the Chief Justice on that landmark case. Newton reports that during the period when the Court was considering Brown v. Board of Education, President Eisenhower invited Chief Justice Warren to join him at dinner with a number of guests. That was while that case was pending.

It turned out that President Eisenhower had also invited one of the lawyers for the Southern States in the Brown case.

As the President and Chief Justice stood up from the table—this was dinner, remember, with one of the lawyers for the Southern States there, a private dinner, Chief Justice Warren was there, and President Eisenhower, who appointed Chief Justice Warren, was there—as they stood up from the table, the President took the Chief Justice by the arm. The President motioned to others in the room and then whispered into the Chief Justice's ear: ''These are not bad people.''

The President told the Chief Justice that they were only concerned about their ''sweet little girls'' having to sit in school beside African-American children.

That is what President Eisenhower said at that dinner to Chief Justice Warren when Brown v. Board of Education was pending. So it mattered that we had a Chief Justice who was independent enough not to listen to the President who appointed him.

It mattered that Chief Justice Warren was independent enough to write for the majority:

We conclude that in the field of public education the doctrine of ''separate but equal'' has no place. Separate educational facilities are inherently unequal.

On that point, I don't know if it is true or not, but there are many scholars who say that the current Chief Justice wrote a memo to his judge he was working with when he was a clerk advocating separate but equal. That memo did not come out until after the Chief Justice was appointed and confirmed by the Senate.

We here today can be justifiably proud that America has the oldest living written Constitution. When our Nation's Government was born, our Constitution was a novelty. Our Constitution created, in the words engraved over the west doorway of this Chamber, ''novus ordo seclorum''—''a new order of ages.''

As we examine the great variety of governments in the world today, Americans can still have pride that few nations possess such a charter. Few nations fervently protect their rights—very few, when you stop to think about it. It is astounding, it is amazing, and we do take it for granted. Few nations so preserve an independent supreme court.

Our Constitution is our foundation. It sets forth our basic rights. It preserves our liberties against the eternal danger of the power of the Executive, sometimes against the power of the Congress but many times against the power of the Executive.

Our Constitution preserves precious rights that must be protected, and that is why we must act zealously to ensure that the men and women we entrust to guard that valued heritage is truly independent. That is why we must remember, as Justice Charles Evans Hughes said in 1907:

[T]he judiciary is the safeguard of our liberty and of our property under the Constitution.

Our Constitution helps to preserve those rights through an ingenious system of checks and balances. Time and time again, our Constitution sets up structures that require two separate, coequal branches of Government to work together and agree before the Government can act. These structures were deeply rooted in the spirit of the times, back when the Constitution was written, that when two work together, one would propose and the other could veto.

You can see that spirit in the original clause where the House can propose revenue measures, but the Senate can amend them. You can see that spirit in the presentation clause where the Congress can propose legislation but the President can veto it. And you can see

that spirit in the nomination clause where the President can nominate judges but the Senate can block them. That was the ingenious development in the late 1700s to forge consensus; somebody can propose but the other can oppose. It forces cooperation, it forces consensus, it forces a better government.

Thus, when the Senate decides whether to confirm a Supreme Court nominee, it is not beholden to the concerns of the President but to the deepest concerns and needs of the people. This is particularly true given lifetime tenure of a Supreme Court Justice and the need for Justices to staunchly defend the people's rights and liberties.

My colleagues should recall that in the history of our Supreme Court, 13 Justices have served for more than 30 years. Justice Douglas served on the Court for more than 36 years, and the Justices appointed since 1970 have served for an average of 25 years. That is a long time. Therefore, it matters that we get good judges. It really matters.

Over the years, this has been one of the issues of greatest importance to me as a Senator, and that is why I worked to set up a merit selection system in my State of Montana that is truly apolitical, truly independent, to select the judges for whom I would then recommend to the bench.

It is very important to me. I said to the people helping me out: I don't care if they are Republicans or Democrats. I don't care if you recommend liberals or conservatives. You just give me the names of three of the very best people in our State who can then serve on the Federal bench because they are going to be there a long time, and they are so important.

I am very proud—twice this happened, and each time the group I put together, which was totally balanced, came up with three very good names. It was difficult for me in sitting down with each of the three to decide who was the best of the three because they were all so good. I did the best I could, and I felt the process worked out very well and was of great value to the people of Montana and to the country.

So it matters that we have an independent judiciary. To ensure we have an independent judiciary, it thus matters that Senators exercise their independent judgment in the nomination process. Senators should not act as rubberstamps for the President's choice. That would be a complete abrogation of senatorial responsibility—complete, total.

It is our Founders' dream of an independent Supreme Court, helping to exercise the Constitution's intricate systems of checks and balances, that is at stake in this nomination process. The Senate's active involvement in the confirmation of Justices helps to ensure that the Supreme Court can lead that independent branch of Government. And in case after case, that independence of the Supreme Court, in turn, has ensured our personal rights and our liberties. We cannot take that for granted.

The Senate can honor that independence by taking its constitutional responsibility to advise and consent very seriously. The Senate can honor that independence by withholding judgment on a nominee until the Judiciary Committee has conducted full and fair hearings. And the President can honor that independence by putting forth a nominee who meets three basic criteria: professional competence, personal integrity, and a view of important issues that is within the mainstream of the contemporary judicial thought. And the Senate can honor the independence of the Supreme Court by holding a nominee to each of these criteria before voting on whether to confirm.

Let me review those three criteria.

First, professional competency: The Supreme Court must not be the testing ground for the development of a jurist's basic values. He cannot learn on the job, nor should a Justice require further training. The stakes are simply too high. He must be very professionally competent on day one.

Second, personal integrity: Nominees to our Nation's highest Court must be of the highest caliber.

And, third, the nominee should fall within the mainstream of contemporary judicial thought. The next Justice must possess the requisite judicial philosophy to be entrusted with the Court's sweeping constitutional powers.

A Senator should not oppose a nominee just because a nominee does not share that Senator's particular judicial philosophy. But the Senate must determine whether a nominee is within the broad mainstream of judicial thought—not an idealogue of the far left, not an idealogue of the far right but mainstream.

Why? Because that is where America is. Also, we need a Judge who can exercise good judgment during the entire time he or she is on the Court. The average tenure since 1970 is 25 years. Times have changed. We don't want an idealogue who has one view or tends to have one view but, rather, somebody who is wise, above the fray, has perspective, listens, has good judgment, deeply understands the history of our country, especially its beginnings when our Constitution was written.

The Senate must determine whether a nominee is committed to the protection of the basic constitutional values of the American people.

So what are some of those values? One is the separation of powers of our Federal Government, including the independence of the Court itself.

Another is freedom of speech. Boy, is that important, stronger in this country than any other on the face of this Earth. It is so important—so important. It helps make America what it is.

Another is freedom of religion, the other side of the establishment clause. Freedom of religion, both direct and indirect, so people are free to worship whomever they choose and in whatever manner they wish.

Equal opportunity, enshrined in the 14th amendment, is the basic bedrock American principle. Again, this is what made this country great. We are great for a lot of reasons, but one is because people want to come to this country and live. We don't see very many Americans heading for the door to get out of America. Americans want to stay in America, and other people want to come to America. Why is that? I submit largely it is opportunity, it is the freedom of opportunity, and no discrimination. Anybody who wants to make something out of himself or herself in America can. There are some practical limitations sometimes, but by and large, if you have the stuff in America, you are going to get there. It is freedom of opportunity.

Another value is personal autonomy, the right to be left alone. That is very basic in America when we talk about freedoms in America. They are so important. Another freedom is the right to be left alone.

Another is an understanding of the basic powers of the Congress to pass important laws, such as those providing for the protection of the environment. We are one country. General laws, especially under the commerce clause, are so important so that all of America can share in matters, not just the equal protection clause, but the commerce clause, sharing and protecting the environment. It is very important. We are one country. That is becoming more and more important each passing day.

Why? Because of integration and large advances in communication technologies, all kinds of technologies. We are all so much of the same country together.

Mainstream philosophy matters because some on the extreme would argue, as Justice Thomas did last month, that the Constitution's establishment clause in the Bill of Rights does not even apply to the States. Think of that for a moment. Justice Thomas said the Constitution's establishment clause in the Bill of Rights—that is the first amendment—does not even apply to the States.

What does that mean? That means States can set up their own laws respecting the establishment of religion. I thought we were one country. I thought that issue was decided long ago. I thought most of the provisions of the Bill of Rights that applied to the Federal Government also applied to States. I thought that. I thought we were American.

To even contemplate the thought of going backward, to even contemplate

the thought that the establishment clause does not apply to States in and of itself sends shivers, I am sure, down the spines of virtually every American, let alone to advocate it as Justice Thomas has, and my recollection is not once but I think twice.

Mainstream philosophy matters because some on the extreme would seek to abolish the right to privacy that the Court recognized 40 years ago in that famous case of Griswold v. Connecticut. There is an inherent right to privacy in the Constitution.

Mainstream philosophy matters because some on the extreme would argue that the Congress cannot pass laws such as the Endangered Species Act or the Clean Water Act pursuant to the Constitution's commerce clause. They say the commerce clause prevents the Clean Water Act; the commerce clause prevents Congress from passing the Endangered Species Act. Think for a moment what that means and how far that could go.

Many of us are concerned that this Court is a couple or three steps away from if not virtually eliminating the commerce clause and therefore Congress's ability to enact statutes, but going so far in that direction it is going to create havoc in this country. We will have more States doing separate sets of statutes because the commerce clause does not apply.

Now, come on. Stop and think a second. That is revolutionary. Yet there are many who advocate that in this country, I am sure hoping the President appoints a nominee with just that view. I will bet dollars to donuts there are many pushing that view upon the President right now.

These are extreme views. They are not mainstream. And the stakes are high. The Senate has a duty to ensure that the nominee will defend America's mainstream constitutional values. We have that duty. It is our responsibility as Senators.

It is only fitting that the Senate set a very high standard. It is only fitting that the Senate distinguish Supreme Court nominations from other nominations, especially those for administrative positions. Administrative positions, that is the President's team, in deference to the President having his own people. We are not talking about the judicial branch. There is no deference to have your own people because we have established we want independent people. We want one's own people. We do not want the President's own people. We do not want the Congress's own people. We want independent people who are in and of themselves their own people.

It is so important the Senate act with very high standards. Because of the importance of an independent Supreme Court, the President is not entitled to have the Senate confirm his nominee. There is no entitlement there.

With some sadness, I have noted over the last several years that that trend is developing. It is becoming almost assumed that the Senate must confirm the President's nominee, that the President has that right. There is no right. The right is for the American people to stand up under the Constitution and do what is right for their people. And, yes, support a nominee who is truly independent, has personal integrity and is competent but, no, not support a nominee for the Supreme Court who does not have those requisite criteria. That is what is right. The Senate must set a very high standard.

The next Supreme Court Justice will affect all of us and our children. This Justice will exercise extraordinary power. We must ensure that Justice's independence.

The independence of the Supreme Court is a doctrine with deep roots in the history of our Nation. In 1765, the great British legal jurist, Sir William Blackstone, published his Commentaries, a book that was well read by our Founders. Every law student in America knows about Blackstone. Blackstone wrote:

> In this distinct and separate existence of the judicial power, in a . . . body of men, nominated indeed, but not removable at pleasure, by the crown, consists one main preservative of public liberty; which cannot subsist long in any state, unless the administration of common justice be in some degree separated both from the legislative and also from the executive power.

In explaining our newly minted Constitution, Alexander Hamilton wrote in Federalist No. 78:

> [T]he judiciary is beyond comparison the weakest of the three departments of power. . . .[T]hough individual oppression may now and then proceed from the courts of justice, the general liberty of the people can never be endangered from that quarter; I mean so long as the judiciary remains truly distinct from both the legislature and the Executive. For I agree, that ''there is no liberty, if the power of judging be not separated from the legislative and executive powers.''

That says we in Congress cannot have our people on the Court. It also says the President cannot have his person on the Court. Rather a process so that the judge is his person on the Court, his own person.

Hamilton continued:

> [L]iberty can have nothing to fear from the judiciary alone, but would have everything to fear from its union with either of the other departments. . . .

That is pretty profound. And Hamilton warned:

> [F]rom the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed, or influenced by its co-ordinate branches. . . .

Marbury v. Madison years later helped establish the independence of the judiciary, saying the Constitution is what the Court says it says, and that has helped. But we all know Presidents have tried to change the Court in their own ways because they did not like what the Court was doing. FDR tried his court-packing plan. He did not like what the Supreme Court was deciding so he tried to influence the Court with court packing, and that did not work. Presidents have all kinds of ways to influence the Court. As I mentioned earlier, President Eisenhower very much tried to influence Justice Warren in Brown v. Board of Education. Fortunately, Justice Warren, who was appointed by President Eisenhower, stood up and said, no, separate but equal is not the law of the land. Rather, we should integrate.

Hamilton then concluded:

> The complete independence of the courts of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no ex-post-facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing.

So I call on the President, I call on my colleagues to defend that ''main preservative of . . . liberty.'' I call on the President, I call on my colleagues to defend the independence of the courts. I call on my colleagues in this Senate to actively exercise their constitutional duties of advice and consent.

There are not many times in our lives as Senators when rising up and exercising our responsibilities is as important as this, not be a rubberstamp, but not vote no just because we have a different view of that person's judicial philosophy but, rather, doing the right thing, and the right thing is to make sure we have nominees of utmost personal integrity who are clearly professionally competent and who are in the mainstream and will not cater to extreme views of either the right or the left but stand above it all and decide cases in the right way.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ISAKSON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1224, AS MODIFIED, TO H.R. 2360

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding passage of H.R. 2360, amendment No. 1224, which was previously agreed to, be modified with the change at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 81, line 24, increase the first amount by $50,000,000.

On page 82, line 4, after ''tion'' insert '': *Provided further*, That of the total amount provided, an additional $50,000,000 shall be available to carry out section 33 (15 U.S.C. 2229)''.

On page 77, line 18, strike ''$2,694,300,000'' and insert ''$2,714,300,000''.

On page 77, line 20, increase the amount by $20,000,000.

On page 77, line 24, after ''grants'' insert '', and of which at least $20,000,000 shall be available for interoperable communications grants''.

On page 85, line 18, after ''expended'' insert '': *Provided*, That the aforementioned sum shall be reduced by $70,000,000''.

On page 82, line 21, strike ''$5,000,000'' and insert ''$3,000,000''.

(The remarks of Ms. LANDRIEU are printed in today's RECORD under ''Morning Business.'')

HONORING FOX MCKEITHEN

Ms. LANDRIEU. Mr. President, I rise today in sadness to pay tribute to a man who served the State of Louisiana well for over 22 years, our late Secretary of State Fox McKeithen, who passed away over the weekend at his home, lovingly surrounded by friends, family, and admirers.

Walter Fox McKeithen was born on September 8, 1946. He was a young man when he died this weekend. He was the second of six children in a small northern town of Louisiana called Columbia. He was the son of a very well-respected governor whom we fondly called ''Big John'' McKeithen. He served in the 1960s and is accredited with leading our State of Louisiana at a very tough and tumultuous time in a very progressive and positive direction. Fox McKeithen, the oldest child, took after his father's political skills from an early age. He demonstrated those leadership skills as senior class president at Caldwell Parish High School, and after graduating from Louisiana Tech, he worked as a high school civics teacher and coach.

With his desire to serve the people of Louisiana in a greater role, he was elected to the House of Representatives in 1983. I had the distinct pleasure of working with Fox as a State representative. He went on then to run statewide and was elected Secretary of State. I went on at that same time as State treasurer, and we continued our strong partnership and relationship.

As Secretary of State, however, Fox took his very colorful personality and spirited dedication to make great improvements to an office that was in need of improvement. He modernized the way the State archived its records. He made it easier for businesses to register and get assistance from the Secretary of State's office. Most importantly, he was a friend to local clerks who work diligently in our State to process elections, make sure they are run fairly and openly. He had a very strong view, as Secretary of State and our chief election commission officer, that registered voters should have a chance to vote. Not a radical notion, but in this day and age not something that always happens. So he worked overtime to make sure the machines were there on time and people were well trained. If the clerks had problems, he himself would step in and give personal attention. So we all owe him a debt of gratitude for his dedication and commitment. In fact, once there was a problem—voting machines were arriving late. He jumped in his own pickup truck and went down to one of our parishes to bring them voting machines.

Perhaps his greatest legacy was the renovation of our old State capitol, a building that sat on the banks of the Mississippi River in decay and abandonment for many years. But with his vision and his leadership, he restored that building to its former grandeur, and now it is a place that is used by many different organizations and appreciated and admired by all the people of our State. When he started this project, people said it could not be done, there was not enough money to do it. But because of his tenaciousness and his hard work and leadership ability, he led a group of leaders both in the public sector and in the private sector to restore our own State capitol and enhanced one of the great communities on the banks of the Mississippi River, right there in our capital city, reminding us of our rich and colorful past.

It was truly an honor for me and many people in Louisiana to serve in public office with Fox McKeithen. He loved Louisiana and he loved serving all of her people. He shared his father's famous campaign slogan, ''Won't you h'ep me?'' as if it were a question that the people of Louisiana were asking of him. It didn't matter if you were a Democrat or a Republican, rich or poor, from north or south of I–10 or north or south of I–20, he was always there to help you if he could.

A dedicated public servant who gave everything he had to serving our State, Fox McKeithen will be dearly missed. The people of our State owe a great debt of gratitude to Fox and the entire McKeithen family for a legacy of leadership, compassion, and vision for our State. His eldest daughter Marjorie follows in her father's and grandfather's footsteps through her practice of law and effective advocacy for many important programs and initiatives in our State. She is truly carrying on the great McKeithen legacy of service.

So I come to the floor today saddened by the fact but gladdened by the life this man led and certain of his legacy that he left with the people of our State and the many contributions he made over a long and dedicated career.

On behalf of the people of Louisiana, I say our thoughts and prayers are with him and his family at this time.

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, on rollcall vote 187, I voted ''yea.'' It was my intention to vote ''nay.'' Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

STAFF SERGEANT TRICIA L. JAMESON

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Tricia L. Jameson of Omaha, NE, a staff sergeant medic in the Nebraska Army National Guard. Staff Sergeant Jameson was killed by an explosion after stopping to treat wounded Marines on July 14 near Trebil in western Iraq. She was 34 years old.

Staff Sergeant Jameson grew up in St. Paul, NE, before moving to Omaha as a teenager. She graduated from Millard South High School in 1989 and attended Central Community College at Columbus, NE, from 1990–91. She spent the last 10 years in the military, working the last 5 years as a health care specialist at the Nebraska Air National Guard base clinic in Lincoln, NE. Staff Sergeant Jameson was a member of the 313th Medical Company of Lincoln and was mobilized to duty in Iraq less than a month ago. Staff Sergeant Jameson volunteered for the assignment. She was not a regular member of the group but a replacement for another soldier. Staff Sergeant Jameson will be remembered as a loyal soldier who had a strong sense of duty, honor, and love of country. Thousands of brave Americans like Staff Sergeant Jameson are currently serving in Iraq.

Staff Sergeant Jameson was preceded in death by her father, Robert Jameson. She is survived by her mother Patricia Marsh of Omaha: brother, Rob Jameson of Omaha; grandmothers Kathryn Jameson of Weeping Water, NE, and Annamae Donahue of Omaha; and fiancé Mike Coldewey of Omaha. Our thoughts and prayers are with them at this difficult time. America is proud of Staff Sergeant Jameson's heroic service and mourns her loss.

I ask my colleagues to join me and all Americans in honoring SSG Tricia L. Jameson.

DEPUTY JERRY ORTIZ: IN MEMORIAM

Mrs. BOXER. Mr. President, I rise to honor the memory of Deputy Jerry Ortiz, a 15-year veteran of the Los Angeles County Sheriff's Department, who was tragically killed in the line of duty on June 24, 2005.

As a young child growing up in Southern California, Jerry Ortiz knew that he wanted to dedicate his life to protecting his fellow citizens. So it came as no surprise when he enlisted in the U.S. Army shortly after his graduation from El Monte High School in

1988. Only 2 years later, he fulfilled his dream of becoming a police officer when he joined the Los Angeles County Sheriff's Department. Deputy Ortiz's strict work ethic and dedication quickly made him a well-respected member of the Department and earned him a position with the elite antigang unit at the Lakewood Station. Although this was a formidable task with great responsibilities, he knew that in this capacity he could truly make a difference in the community and help at-risk youth. Deputy Ortiz did just that.

Jerry Ortiz was an important part of the Sheriff's Department family. He was well known for his sense of humor, positive attitude, and athleticism on the Department boxing team. Over his 15-year career, he became an integral part of the fight against gang crime in the area and went above and beyond to protect the innocent citizens caught in the unfortunate gang violence in their communities. Days before his tragic murder, Deputy Ortiz received word that he was being promoted to detective.

All who knew him said that he loved his job but that he was first and foremost a family man. Ortiz spent most of his free time with his two sons, Jeremy, 16, and Jacob, 6. He was a sports fan and enjoyed sharing this passion with his sons. Only three weeks before his death, Jerry Ortiz married his wife, Chela, and those close to him say he was happier than ever.

I am truly saddened to lose this remarkable public servant. Deputy Jerry Ortiz died doing what he loved—providing protection for his community. He was a leader, an inspiring mentor, a hero, and a wonderful father and husband. We will always be grateful for Deputy Ortiz's heroic service to the Los Angeles County Sheriff's Department and the community that he so bravely served.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last year, a man was arrested after he and another suspect yelled derogatory insults and hate speech toward a group of five lesbian women and one transgender man. While one of the men later fled the scene, the other continued harassing the group and subsequently physically attacked them. Some of the victims sustained injuries including a broken nose, black eyes, and injuries around the head and face.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PERSONAL EXPLANATION

Mr. LIEBERMAN. Mr. President, I regret that I was unable to be present and cast votes the week of June 27. My mother, Marcia Lieberman, passed away on June 27 and her funeral was June 28, and I observed a period of mourning in Connecticut for the remainder of that week. While, as I stated to Senator REID, I would have returned to the Capitol and voted had my vote been determinative of the outcome, that did not become an issue regarding votes that week. Before I address the various pieces of legislation that the Senate considered during my absence, I would like to express my gratitude to my colleagues and their staffs for their acts of kindness and words of sympathy during this difficult time for me and my family.

I have set forth below for the RECORD, for the information of my constituents, my positions on the legislation and key amendments considered the week of June 27.

Had I been present for vote on H.R. 6, the Energy Policy Act of 2005, I would have voted yes.

The bill is far from perfect; indeed, it does next to nothing to address the challenge of climate change and leaves us much work still to do in creating the kind of robust and diverse fuel mix for our cars and trucks needed to provide America with true energy security.

What the bill does do, however, to stimulate the development and use of technologies that can help us address these challenges—or at least to get a start—justifies supporting it.

I was disappointed that when Senator MCCAIN and I offered the Climate Stewardship and Innovation Act as an amendment to bill, the Senate turned down the opportunity to adopt a truly comprehensive program to reduce economy-wide greenhouse gas emissions using a market system. My disappointment was tempered, however, when the Senate adopted a bipartisan resolution, which Senator MCCAIN and I cosponsored with Senators DOMENICI and BINGAMAN and several others calling for a mandatory market-based emissions reduction program for greenhouse gases. I am hopeful that over time the Senate will come to see that the legislation that Senator MCCAIN and I have been pushing for provides just the right vehicle for producing the legislation called for in the resolution.

At the same time, I believe that the bill will help nudge our energy system towards a cleaner, more efficient future. In addition to including a renewable portfolio standard for electric utilities, the bill includes a range of incentives and other support for businesses and consumers to develop and use clean technologies and clean fuels in their businesses and homes and on our highways.

Finally, I appreciate the fact that the bill—for the most part—does not include provisions that would weaken environmental protections for our air, water and land that, in the past, some have mistakenly believed to be necessary to advance energy policy.

On Thursday, June 29, the Senate voted on H.R. 2361, the Department of the Interior, Environment, and Related Agencies Appropriations Act. Below are comments on the amendments that were offered and the vote on final passage of the bill.

I would have voted ''nay'' on the motion to waive the Budget Act with regard to Senator COBURN's amendment No. 1019. Combating diabetes and alcohol and substance abuse in Indian country must continue to be a priority for Congress, the Department of the Interior, and the Department of Health and Human Services. It is also important that we continue to support Federal land acquisition programs that preserve the environment in its natural state. I believe that the Appropriations Committee has looked at these programs and made difficult but sound decisions about the funding levels for both of them, and therefore oppose the motion. I also note that I would have voted for Senator DORGAN's subsequent amendment No. 1025.

I would have voted for Senator COBURN's amendment No. 1003 because this amendment and similar sunshine laws would make it easier for Americans to understand how and what the Federal Government does on their behalf. By requiring that all limitations, earmarks, and directives be explicitly stated in the conference report, this amendment would have forced Congress to do a better job explaining to the American people where their tax dollars are being spent.

While I preferred Senator BOXER's amendment No. 1023, I would have voted for Senator BURNS's amendment No. 1068 because it at least ensures that the Environmental Protection Agency will undertake the specific tasks of reviewing this very serious public health issue and reporting its findings to Congress. The amendment also confirms the EPA's rulemaking process, which I believe should be a necessary prerequisite before any human pesticide testing should be allowed to continue. I look forward to reviewing the EPA's final recommendations, and after doing so, will be able to make a decision as to whether any human pesticide testing should be allowed.

In the meantime, I strongly support the moratorium imposed by Senator BOXER's amendment on all pesticide testing involving humans and the use of such studies until the EPA conducts and completes what I expect to be a thorough investigative and rulemaking process that ensures the safety of all

involved. I believe the government should steer clear of even being perceived as sanctioning these types of tests until there is a complete review of the risks involved. A moratorium like the one provided for in Senator BOXER's amendment is the prudent and reasonable course for us to take at this time.

As noted earlier, I would have supported Senator DORGAN's amendment No. 1024 because it finds additional funding in an otherwise unnecessary account for health care on tribal lands. There is a need for additional money to meet the increasing demands for mental heath care and other health care programs designed to meet the unique concerns of Indian Country. Though the motion to waive the Congressional Budget Act to make this amendment possible did not pass, I look forward to working with Senator DORGAN and my colleagues on this very important issue.

I would have supported the efforts of Senators SUNUNU and BINGAMAN in amendment No. 1026 to halt Federal subsidies for logging roads in the Tongass National Forest.

I also support the efforts of Senators MURRAY and SANTORUM in proposing legislation that meets the critical and immediate needs of our veterans. Providing health care to our veterans is a promise we make to our servicemen and servicewomen when they agree to protect our country. We must continue to fulfill that promise by fully funding the veterans health care system at a level that meets the medical needs of all of those who have so valiantly and bravely served our country in the war on terror, in Iraq, in Afghanistan, and in all previous wars and conflicts.

I would like to thank the Appropriations Committee for their work on this legislation and join my colleagues in supporting its final passage.

On Thursday, June 30, the Senate voted on S. 1307, the implementing bill of the Dominican Republic and Central American Free Trade Agreement, DR-CAFTA. Had I been in Washington on June 30, I would have voted for the motion to proceed to consider and for the bill, because I believe that, as is the case with most free-trade agreements, DR-CAFTA overall is good for Connecticut and good for the country.

I must raise two concerns that affect not only this bill, but our future efforts to expand trade. My first concern is with the way in which this agreement addresses—or fails to address—labor and environmental standards. Second, we may need to adjust our priorities when it comes to trade in order to resolve certain key issues in our relationship with China.

When NAFTA was negotiated in the early 1990s, labor and environmental issues were dealt with in a side agreement; the parties' treaty obligations were that they enforce their own labor standards. When, in 2001, the Jordan Free Trade Agreement was adopted, the labor and environment provisions were included in the body of the agreement. As a result, they were fully subject to sanctions through the agreement's dispute resolution process. This was the culmination of crucial progress through the 1990s, not just for workers in Jordan who happened to benefit from the Jordan trade agreement, but also for import-sensitive industries in the U.S.—and for fostering broad bipartisan support for trade expansion. Unfortunately, the more recent trade agreements have retreated from the strong provisions in the Jordan Free Trade Agreement and I believe that in order to garner support of Congress, at a minimum, future trade agreements must include strong enforcement provisions that would prevent countries from backsliding or ignoring labor and environmental standards.

As to my second concern, while we now focus on DR-CAFTA, our constituents continue to be concerned about China. They are right to do so since China is a country with almost ten times the gross domestic product of the Dominican Republic and Central American countries combined. Trade with, and support for, the democracies in Latin and Central America is important. That said, we must focus on the growing need to address trade pressures from China, including China's approach to manipulating its currency and subsidizing its manufacturing sector, as well as its failure to enact strong labor standards. The lack of a comprehensive U.S. trade policy results in a reactive, muddled trade agenda, rather than a focus on issues that will grow our economy, lower the trade deficit, and create jobs.

On Friday, July 1, the Senate voted on H.R. 2419, The Department of Energy and Water Development Appropriations Act. Here are my positions on the amendment that was offered and on the vote on final passage of the bill.

I would have supported Senator BOXER's amendment No. 1085 because the administration has failed to make the case for why the mission of this potential weapon can not be achieved by current weapon systems and America's nuclear arsenal already serves as an effective deterrent. We do not need to launch a new nuclear weapons program at this time.

I would have supported final passage of the bill, which includes support for some important programs in my State.

HOMELAND SECURITY APPROPRIATIONS BILL

Mr. DODD. Mr. President, I rise to discuss the fiscal year 2006 Homeland Security appropriations bill. The Senate passed this measure nearly unanimously and I voted in support of it.

I would like to begin by thanking the principal authors and managers of this legislation: Senator GREGG and Senator BYRD. It is no easy task to write a bill that provides for our domestic security needs. I commend both of our colleagues and their staffs for the hard work they put into crafting this legislation.

The bill that passed the Senate funds our country's homeland security activities at $31.9 billion for the upcoming fiscal year. These activities include port security, rail security, truck security, aviation security, emergency first responders, customs and border patrol, immigration, the Coast Guard, and counter-terrorism research. Taken together, these initiatives form the foundation upon which our country depends for its internal security.

In an age when terrorism continues to be a growing threat to our Nation, one would think that the Congress of the United States would be doing everything it could to shore up that foundation—to make it as impregnable as possible against those who wish us harm. Yet, when we look at the legislation passed by the Senate, I do not believe it does enough to protect our people from terrorism. We are simply not investing the resources that are required to make this Nation as safe as possible. Instead of filling in the gaps that continue to exist within our homeland security foundation, we are letting those gaps and cracks grow in several critical respects.

One does not have to look further than protecting our critical infrastructure and funding our emergency first responders. These 2 areas arguably form the backbone of our efforts to prevent and effectively respond to terrorist attacks at home. They encompass protecting our ports, our railroads, our transit systems and our commercial vehicles. They encompass quickly and effectively responding to real or perceived threats in all parts of our country.

The bill that passed the Senate provides $3.9 billion to protect our critical infrastructure, equip our first responders, and assist local governments in planning and coordinating their homeland security activities. While this may seem like a large number to many Americans, it has been cited by numerous national security and public health experts, along with first responders themselves, as being wholly inadequate to meet the homeland security demands of the twenty-first century. Furthermore, the number is actually less than what has been provided in the past. It is approximately $500 million less than what was provided last year and approximately $700 million less than 2 years ago. Clearly, we are heading in the wrong direction—doing less to protect our country adequately when we ought to be doing more.

As we have seen in Madrid last year, in London 2 weeks ago and in Iraq almost every week, terrorists have become adept at exploiting weak points in critical infrastructure, particularly transportation systems. I question what it will take for us to realize that we need to be investing more in our domestic critical infrastructure and in our first responders.

Although we have taken steps to boost our homeland security since the

attacks on September 11th, our critical infrastructure remains largely exposed and our emergency first responders spread too thin. Today, less than 5 percent of commercial cargo arriving at our seaports is screened for threats; our rail systems and bus systems remain largely open and unsupervised. Meanwhile, our first responders lack both the staff and resources they need to protect lives and property. Hundreds of police departments—both large and small—have experienced alarming personnel shortages. A super majority of fire departments in this Nation does not have the manpower required to meet the 21st century needs of their districts or municipalities.

As the Senate considered this legislation, I was pleased to lend my support to several amendments that sought to raise resources for critical infrastructure protection and first responders. Among these measures were those to simplify homeland security grants, increase resources to local homeland security programs, enhance air cargo security, increase truck security, ensure greater protection of our rail and transit systems and provide first responders with advanced communication systems. I also offered an amendment that would have increased critical infrastructure security and first responder funding by $16 billion to a total of $20 billion. My amendment would have codified a recommendation made 2 years ago by a task force chaired by our former colleague, Warren Rudman, along with a distinguished panel of national security, intelligence, military and public health officials.

Regrettably, none of these measures was adopted. They were largely rejected because they exceeded the budget caps placed on the bill. Members who spoke in opposition to these amendments argued that we could not afford the extra cost. Instead of finding new resources, they suggested using existing resources already in the bill to boost infrastructure protection and first responders.

For this reason, I had to cast my vote against two amendments that would have increased funding for first responder and border patrol security by decreasing State homeland security grant and Coast Guard funding. This kind of bureaucratic shell game is a wholly inadequate means to protect our critical infrastructure, our first responders and our borders. It entails investing in new resources to do what it is right to put our country on a more secure and sound footing.

Ironically, many of the Members who opposed these amendments have supported permanent tax cuts for the most affluent of Americans—tax cuts that have been projected to cost $1 trillion over the next 15 years. If we can afford to give such a generous tax break to the few thousand wealthiest Americans, then why can we not afford adequately to safeguard 281 million Americans from terrorist attacks at a mere fraction of that cost?

We are living in extraordinary times. Never before in our history has there been a period of time when the threat of harm to Americans on their own soil has been so high. While it has been almost 4 years since terrorists attacked the World Trade Center, the more recent attacks in Madrid and London tell us that we must remain vigilant about our domestic security. They tell us that we must renew and redouble our efforts to prevent and respond to terrorism here at home.

I applaud Homeland Security Secretary Chertoff's decision earlier this week to streamline his department's administrative bureaucracy. I believe that this will enable the Department to respond more effectively to the needs of our States and localities. At the same time, I am deeply disturbed by the Secretary's comments yesterday which suggested that transit security should be paid for entirely by States. I find this view to be dangerously outdated and incongruous with the one needed to combat terrorism effectively. If the events of last week did not remind us already, we no longer live in the 19th century but in the 21st. Our very survival depends on planning and coordination that involves all levels of government. No one entity should bear the enormous financial burden of protecting Americans from terrorist attacks.

On balance, I voted for this legislation because the funding it appropriates is much better than nothing. However, I look forward to working with my colleagues in the coming years to find and provide the necessary resources that can make our Nation as safe and strong as it can possibly be.

PETITION TO DISCHARGE

Mr. LEAHY. Mr. President, today pursuant to 5 U.S.C. 802(c), I have submitted a petition to discharge the Senate Committee on Environment and Public Works from consideration of S.J. Res. 20, a joint resolution providing for congressional disapproval of the rule relating to the delisting of coal and oil-direct utility units from the source category list under the Clean Air Act, submitted by the U.S. Environmental Protection Agency under chapter 8 title 5, United States Code, the Congressional Review Act.

DISCHARGE PETITION

We, the undersigned Senators, in accordance with Chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Environment and Public Works be discharged from further consideration of S.J. Res. 20, a resolution providing for congressional disapproval of the rule submitted by the U.S. Environmental Protection Agency relating to the delisting of coal and oil-direct utility units from the source category list under the Clean Air Act, and further, that the resolution be placed upon the Legislative Calendar under General Orders.

Patrick Leahy, Jim Jeffords, Barbara Boxer, Joe Biden, Tom Carper, Jon S. Corzine, Susan Collins, Olympia Snowe, John F. Kerry, Maria Cantwell, Jay Rockefeller, Mark Dayton, Harry Reid, Hillary Rodham Clinton, Russell D. Feingold, Tom Harkin, Herb Kohl, Frank R. Lautenberg, Joe Lieberman, Patty Murray, Paul Sarbanes, Chris Dodd, Dick Durbin, Dianne Feinstein, Ted Kennedy, Barack Obama, Carl Levin, Barbara A. Mikulski, Jack Reed, Charles Schumer, Ron Wyden, Daniel K. Akaka.

NOTICE OF INTENT

Mr. DORGAN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 3057 the following amendment:

S.A. 1256

At the appropriate place, insert the following:

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Oil and natural gas resources are strategic assets critical to national security and the Nation's economic prosperity.

(2) The National Security Strategy of the United States approved by President George W. Bush on September 17, 2002, concludes that the People's Republic of China remains strongly committed to national one-party rule by the Communist Party.

(3) On June 23, 2005, the China National Offshore Oil Corporation Limited (CNOOC), announced its intent to acquire Unocal Corporation, in the face of a competing bid for Unocal Corporation from Chevron Corporation.

(4) The People's Republic of China owns approximately 70 percent of CNOOC.

(5) A significant portion of the CNOOC acquisition is to be financed and heavily subsidized by banks owned by the People's Republic of China.

(6) Unocal Corporation is based in the United States, and has approximately 1,750,000,000 barrels of oil equivalent, with its core operating areas in Southeast Asia, Alaska, Canada, and the lower 48 States.

(7) A CNOOC acquisition of Unocal Corporation would result in the strategic assets of Unocal Corporation being preferentially allocated to China by the Chinese Government.

(8) A Chinese Government acquisition of Unocal Corporation would weaken the ability of the United States to influence the oil and gas supplies of the Nation through companies that must adhere to United States laws.

(9) As a de facto matter, the Chinese Government would not allow the United States Government or United States investors to acquire a controlling interest in a Chinese energy company.

SEC. 2. PROHIBITION ON SALE OF UNOCAL TO CNOOC.

Notwithstanding any other provision of law, the merger, acquisition, or takeover of Unocal Corporation by CNOOC is prohibited.

EDDIE ALBERT: IN MEMORIAM

Mrs. BOXER. Mr. President, I rise to honor an extraordinary actor, entertainer, and humanitarian. Upon his passing, Eddie Albert leaves a legacy of talent, determination, and good will.

Eddie Albert Heimberger was born in Illinois on April 22, 1906, and moved to Minneapolis as a child. It was there

that Mr. Albert began his stage career, hosting magic shows and singing in small venues to put himself through drama school. After becoming a crowd pleaser in Minnesota, he decided to pursue his creative passion in other cities and on the radio. After dropping his last name to avoid being mistakenly called Eddie Hamburger, he shifted his focus to comedy. His success on the airwaves led to his 1935 Broadway debut in the comedy ''O Evening Star.''

Mr. Albert went on to appear on Broadway several times before making it to Hollywood in 1937 as Bing Edwards in the film ''Brother Rat.'' His fame grew, and in 1939 Mr. Albert started entertaining audiences as an aerialist and clown in a traveling Mexican circus. During his time there, he began providing intelligence to the U.S. Government on Japanese and Nazi activity in Mexico. His career was put on hold when he bravely served in the Marines during World War II. He was awarded the Bronze Star for his courageous fighting in the Battle of Tarawa.

Upon returning from his service overseas, he started Eddie Albert Productions and worked behind the camera to make sex education films, a rarity in their time. One of his best known roles was in the 1960s sitcom ''Green Acres,'' in which he portrayed lawyer turned farmer Oliver Wendell Douglas. Appearing in nearly 100 films, Mr. Albert earned two best supporting actor Academy Award nominations for his parts in ''Roman Holiday'' (1953) and ''The Heartbreak Kid'' (1972).

Throughout his lifetime, Mr. Albert traveled the world and became interested in the fight against poverty and preserving the environment. In the 1970s, he established the City Children's Farms and dedicated his free time to publicly speaking about the importance of nutrition for the world's children. He served as a special envoy for the philanthropic mission ''Meals for Millions'' and as a consultant for the World Hunger Conference. An avid outdoors man, Mr. Albert treasured the beaches, trails, and wildlife near his home in Southern California. He used his fame to bring much needed attention to the harmful effects of DDT and, on his birthday in 1970, Mr. Albert helped inaugurate the first Earth Day. Later that year, he and his wife opened a community arts center in Los Angeles, which is still in operation today.

In 1945, Mr. Albert married actress Margo, nee Maria Marguerita Guadalupe Teresa Estela Bolado Castilla y O'Donnell. She preceded him in death in 1985. Eddie Albert died of pneumonia on May 26, 2005, at his home in Pacific Palisades, CA. He is survived by his son, daughter, and two grandchildren. Whether as an entertainer or philanthropist, Mr. Albert will be remembered for his passion and dedication to making others smile. His talents and kindness will surely be missed.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:32 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2864. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2864. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The following joint resolution was discharged pursuant to 5 U.S.C. 802(c) and placed on the calendar:

S.J. Res. 20. Joint resolution disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility units from the source category list under the Clean Air Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3041. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004'' (Notice 2005–54) received on July 12, 2005; to the Committee on Finance.

EC–3042. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004'' (Notice 2005–54) received on July 12, 2005; to the Committee on Finance.

EC–3043. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rulings Declared Obsolete'' (Rev. Rul. 2005–43) received on July 12, 2005; to the Committee on Finance.

EC–3044. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Section 482 Setoffs'' (Rev. Proc. 2005–46) received on July 12, 2005; to the Committee on Finance.

EC–3045. A communication from the Secretary of Veterans Affairs, transmitting, a report of proposed legislation to amend title 42, United States Code, to extend the authorization for the United States Interagency Council on Homelessness until October 1, 2012; to the Committee on Veterans' Affairs.

EC–3046. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, the report of a rule entitled ''Capitalization of Tangible Assets; Correction'' (48 CFR Part 9904) received on July 12, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3047. A communication from the President/Chief Executive Officer and the Senior Vice President/Chief Financial Officer and Treasurer, Federal Home Loan Bank of Boston, transmitting jointly, pursuant to law, the Bank's 2004 Annual Report, Statement on the System of Internal Controls, and Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–3048. A communication from the Chief Operating Officer/President, Board of Directors of the Resolution Funding Corporation, transmitting, pursuant to law, the Corporation's Statement on the System of Internal Controls and a report on Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–3049. A communication from the Chief Operating Officer/President, Board of Directors of the Financing Corporation, transmitting, pursuant to law, the Corporation's Statement on the System of Internal Controls and a report on Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–3050. A communication from the President/Chief Executive Officer and the Controller/Senior Vice President, Federal Home Loan Bank of Indianapolis, transmitting jointly, pursuant to law, the Bank's 2004 Annual Report, Statement on the System of Internal Controls, and Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–3051. A communication from the President/Chief Executive Officer and the Interim Chief Financial Officer/Senior Vice President, Federal Home Loan Bank of Seattle, transmitting jointly, pursuant to law, the Bank's Statement on the System of Internal Controls, and a report on Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–3052. A communication from the President/Chief Executive Officer and the Executive Vice President/Chief Financial Officer, Federal Home Loan Bank of Cincinnati, transmitting jointly, pursuant to law, the Bank's 2004 Annual Report, Statement on the System of Internal Controls, and Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–3053. A communication from the President/Chief Executive Officer and the Executive Vice President, Federal Home Loan Bank of Chicago, transmitting jointly, pursuant to law, the Bank's 2004 Annual Report,

Statement on the System of Internal Controls, and Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–3054. A communication from the President/Chief Executive Officer and the Chief Accounting Officer, Federal Home Loan Bank of Des Moines, transmitting jointly, pursuant to law, the Bank's 2004 Annual Report, Statement on the System of Internal Controls, and Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–3055. A communication from the President/Chief Executive Officer and the Senior Vice President/Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting jointly, pursuant to law, the Bank's Statement on the System of Internal Controls, and a report on Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–3056. A communication from the President/Chief Executive Officer, the Executive Vice President/Chief Operating Officer, the Senior Vice President/Chief Financial Officer and the Senior Vice President/Controller, Federal Home Loan Bank of San Francisco, transmitting jointly, pursuant to law, the Bank's 2004 Annual Report, Statement on the System of Internal Controls, and Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–3057. A communication from the President/Chief Executive Officer and the Senior Vice President/Chief Financial Officer, Federal Home Loan Bank of New York, transmitting jointly, pursuant to law, the Bank's Statement on the System of Internal Controls, and a report on Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–3058. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting'' (FRL No. 7838–5) received on July 13, 2005; to the Committee on Environment and Public Works.

EC–3059. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Ambient Air Quality Standard for Ozone and Fine Particulate Matter'' (FRL No. 7939–1) received on July 13, 2005; to the Committee on Environment and Public Works.

EC–3060. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Two Isopropylamine Salts of Alkyl C4 and Alkyl C8–10 Ethoxyphosphate Esters; Exemption from the Requirement of a Tolerance; Technical Correction'' (FRL No. 7725–1) received on July 13, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3061. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sulfuryl Fluoride; Pesticide Tolerance'' (FRL No. 7723–7) received on July 13, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3062. A communication from the Director, Executive Secretariat, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Deposit of Proceeds from Lands Withdrawn for Native Selection'' (RIN1076–AE74) received on July 13, 2005; to the Committee on Indian Affairs.

EC–3063. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (2 subjects on 1 disc beginning with ''Memorandum for Proposed Correction to BRAC Testimony'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3064. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (5 subjects on 1 disc beginning with ''USAF Response to Regional Hearing Testimony by the Eielson Community'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3065. A communication from the Director, Office of White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary and the confirmation of the nominee received on July 14, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3066. A communication from the Director, Office of White House Liaison, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary received on July 14, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3067. A communication from the Director, Office of White House Liaison, Office of Legislation and Congressional Affairs, Department of Education, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Assistant Secretary received on July 14, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3068. A communication from the Director, Office of White House Liaison, Office of Communications and Outreach, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary (new position) received on July 14, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3069. A communication from the Director, Office of White House Liaison, Office of Planning, Evaluation, and Policy Development, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary (new position) received on July 14, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3070. A communication from the Director, Office of White House Liaison, Office for Civil Rights, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary received on July 14, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3071. A communication from the Assistant General Counsel for Regulatory Services, Office of the Chief Financial Officer, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Protection of Human Subjects'' (RIN1890–AA08) received on July 13, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3072. A communication from the Secretary of Education, transmitting, the report of a proposed legislative amendment to the Higher Education Act of 1965 received July 14, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3073. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Fiscal Year 2003 Biennial Report on the Status of Children in Head Start Programs; to the Committee on Health, Education, Labor, and Pensions.

EC–3074. A communication from the Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Transportation of Household Goods; Consumer Protection Regulations; Final Rule'' ((RIN2126–AA32) (2005–0001)) received on July 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3075. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Dealer Notification of Defect or Noncompliance Determination'' (RIN2127–AJ48) received on July 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3076. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''December 2004 Wassenaar Arrangement Plenary Agreement Implementation: Categories 1, 2, 3, 4, 5, Part I (telecommunications), 6, 7, 8, and 9 of the Commerce Control List; Wassenaar Reporting Requirements; Definitions; and Certain New or Expanded Export Controls'' (RIN0694–AD41) received on July 14, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3077. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Agusta S.p.A. Model A119 Helicopters'' ((RIN2120–AA64) (2005–0306)) received July 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3078. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model EC120 Helicopters'' ((RIN2120–AA64) (2005–0305)) received July 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3079. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Agusta S.p.A. Model A109E Helicopters'' ((RIN2120–AA64) (2005–0304)) received July 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3080. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777–200 and 777–300 Airplanes'' ((RIN2120–AA64) (2005–0303)) received July 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3081. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: The Lancair Company Model LC41–550FG Airplane'' ((RIN2120–AA64) (2005–0302)) received July 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3082. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: CENTRAIR 101 Series Gliders'' ((RIN2120–

AA64) (2005–0301)) received July 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3083. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: CFM International CFM56–5, 5B, and 5C Series Turbofan Engines'' ((RIN2120–AA64) (2005–0300)) received July 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3084. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A310 Series Airplanes'' ((RIN2120–AA64) (2005–0299)) received July 13, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 501. A bill to provide a site for the National Women's History Museum in the District of Columbia (Rept. No. 109–104).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE (for himself, Mr. JEFFORDS, and Mr. CHAFEE):

S. 1415. A bill to amend the Lacey Act Amendments of 1981 to protect captive wildlife and make technical corrections; to the Committee on Environment and Public Works.

By Mr. SANTORUM:

S. 1416. A bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Interagency Council on Homelessness; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAIG (for himself, Mrs. CLINTON, Mr. DAYTON, Mr. DOMENICI, Mr. JOHNSON, and Mr. SPECTER):

S. 1417. A bill to impose tariff-rate quotas on certain casein and milk protein concentrates; to the Committee on Finance.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. FRIST, Mrs. CLINTON, Mr. ALEXANDER, Mr. DODD, Mr. BURR, Mr. HARKIN, Mr. ISAKSON, Ms. MIKULSKI, Mr. DEWINE, Mr. JEFFORDS, Mr. ROBERTS, Mr. BINGAMAN, Mrs. MURRAY, Mr. HAGEL, Mr. MARTINEZ, Mr. TALENT, Mr. OBAMA, Mr. BOND, and Mr. NELSON of Florida):

S. 1418. A bill to enhance the adoption of a nationwide inter operable health information technology system and to improve the quality and reduce the costs of health care in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself, Mr. DODD, Mr. NELSON of Florida, Mr. JEFFORDS, and Mr. LAUTENBERG):

S. 1419. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. BURR, Mr. DEWINE, Ms. MIKULSKI, Mr. DODD, and Mrs. MURRAY):

S. 1420. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to medical device user fees; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MIKULSKI (for herself, Mr. VOINOVICH, Mr. DURBIN, Mr. SARBANES, Mr. LUGAR, Mr. DODD, Mr. FEINGOLD, Mr. KERRY, Mr. BIDEN, Mr. INOUYE, Mr. TALENT, Mrs. DOLE, Mr. CRAPO, Mr. SANTORUM, Mr. COBURN, Mr. BROWNBACK, Mr. OBAMA, Mrs. BOXER, and Mr. NELSON of Florida):

S. Res. 198. A resolution commemorating the 25th anniversary of the 1980 worker's strike in Poland and the birth of the Solidarity Trade Union, the first free and independent trade union established in the Soviet-dominated countries of Europe; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 199. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs; considered and agreed to.

By Mr. CORNYN:

S. Res. 200. A resolution honoring the life of Nobel Laureate Jack St. Clair Kilby, inventor of the integrated circuit and innovative leader in the Information Age; considered and agreed to

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 113

At the request of Mrs. FEINSTEIN, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 113, a bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust.

S. 246

At the request of Mr. BUNNING, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mr. ROBERTS) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 246, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 313

At the request of Mr. LUGAR, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 350

At the request of Mr. LUGAR, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 350, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

S. 390

At the request of Mr. DODD, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 390, a bill to amend title XVIII of the Social Security Act to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of the medicare program.

S. 392

At the request of Mr. LEVIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 580

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 580, a bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust.

S. 633

At the request of Mr. JOHNSON, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 642

At the request of Mr. FRIST, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 754

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 754, a bill to ensure that the Federal student loans are delivered as efficiently as possible, so that there is more grant aid for students.

S. 912

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut

(Mr. DODD) was added as a cosponsor of S. 912, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 1047

At the request of Mr. SUNUNU, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Rhode Island (Mr. REED), the Senator from Minnesota (Mr. DAYTON), the Senator from Missouri (Mr. BOND), the Senator from Nebraska (Mr. NELSON) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

S. 1076

At the request of Mrs. LINCOLN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

S. 1081

At the request of Mr. KYL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1197

At the request of Mr. BIDEN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1200

At the request of Mr. BUNNING, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1200, a bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain roof systems.

S. 1269

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1269, a bill to amend the Federal Water Pollution Control Act to clarify certain activities the conduct of which does not require a permit.

S. 1352

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1352, a bill to provide grants to States for improved workplace and community transition training for incarcerated youth offenders.

S. 1353

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1370

At the request of Mr. BENNETT, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1370, a bill to provide for the protection of the flag of the United States, and for other purposes.

S. 1386

At the request of Mr. MARTINEZ, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1386, a bill to exclude from consideration as income certain payments under the national flood insurance program.

S. 1411

At the request of Mr. KERRY, the names of the Senator from Texas (Mr. CORNYN), the Senator from Arkansas (Mr. PRYOR) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1411, a bill to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

S. CON. RES. 19

At the request of Mr. CHAMBLISS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 19, a concurrent resolution expressing the sense of the Congress regarding the importance of life insurance and recognizing and supporting National Life Insurance Awareness Month.

S. CON. RES. 26

At the request of Mr. CONRAD, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

S. RES. 42

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 42, a resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. FRIST, Mrs. CLINTON, Mr. ALEXANDER, Mr. DODD, Mr. BURR, Mr. HARKIN, Mr. ISAKSON, Ms. MIKULSKI, Mr. DEWINE, Mr. JEFFORDS, Mr. ROBERTS, Mr. BINGAMAN, Mrs. MURRAY, Mr. HAGEL, Mr. MARTINEZ, Mr. TALENT, Mr. OBAMA, Mr. BOND, and Mr. NELSON of Florida):

S. 1418. A bill to enhance the adoption of a nationwide inter operable health information technology system and to improve the quality and reduce the costs of health care in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today to introduce a bipartisan bill to improve the quality and efficiency of health care by harnessing the potential of information technology. I am joined in this effort by Senators KENNEDY, FRIST and CLINTON.

In recent weeks, Senator KENNEDY and I introduced legislation to move our health care system into the electronic information age to serve patients better. Separately, Senators FRIST and CLINTON also introduced a bill to spur the adoption of health information technology to improve health care quality.

Both of our bills were referred to the Committee on Health, Education, Labor, and Pensions, which I chair and on which we all serve. All of us put a lot of time and effort into crafting our bills, and we quickly realized that if we took the best of both of our bills and combined them into one, the whole would be much more than the sum of its parts.

All of us believe that if we move from a paper-based health care system to secure electronic medical records, we will reduce mistakes and save lives, time and money. And because we share this goal, we worked together to combine our bills into one piece of legislation that will bring the government and the private sector together to make healthcare better, safer and more efficient by accelerating the adoption of interoperable information technology across our healthcare system.

The sponsors of this bill span the political spectrum, but we still have many things in common. One of our common bonds—in fact, one of the things we have in common with all Americans—is that all of us are, or have been, or will someday be patients. And all of us either have stories to tell about frustrating experiences we've had, or that our family or friends have had, with navigating our health care system.

We have an outstanding health care system in the United States. That's doesn't mean there isn't room for improvement, though. And one of the most important things we need to do in healthcare is to put information technology to work for patients, improving quality while reducing costs.

I want to thank Senators KENNEDY, FRIST and CLINTON for working together in a spirit of bipartisan compromise to mold our separate bills into one measure that will advance our vision of the future of health care. We know President Bush shares our commitment, because he has called for every American to have his or her own electronic health record by the middle of the next decade, and he has his Secretary of Health and Human Services, Michael Leavitt, working assiduously toward this objective.

So I look forward to working with Senators KENNEDY, FRIST, and CLINTON and the rest of my fellow Senators in the coming weeks and months to send this legislation to the President so that we can meet the ambitious goals that we all share.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wired for Health Care Quality Act''.

SEC. 2. IMPROVING HEALTH CARE, QUALITY, SAFETY, AND EFFICIENCY.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

''TITLE XXIX—HEALTH INFORMATION TECHNOLOGY

''SEC. 2901. DEFINITIONS.

''In this title:

''(1) HEALTH CARE PROVIDER.—The term 'health care provider' means a hospital, skilled nursing facility, home health entity, health care clinic, federally qualified health center, group practice (as defined in section 1877(h)(4) of the Social Security Act), a pharmacist, a pharmacy, a laboratory, a physician (as defined in section 1861(r) of the Social Security Act), a health facility operated by or pursuant to a contract with the Indian Health Service, a rural health clinic, and any other category of facility or clinician determined appropriate by the Secretary.

''(2) HEALTH INFORMATION.—The term 'health information' has the meaning given such term in section 1171(4) of the Social Security Act.

''(3) HEALTH INSURANCE PLAN.—The term 'health insurance plan' means—

''(A) a health insurance issuer (as defined in section 2791(b)(2));

''(B) a group health plan (as defined in section 2791(a)(1)); and

''(C) a health maintenance organization (as defined in section 2791(b)(3)).

''(4) LABORATORY.—The term 'laboratory' has the meaning given that term in section 353.

''(5) PHARMACIST.—The term 'pharmacist' has the meaning given that term in section 804 of the Federal Food, Drug, and Cosmetic Act.

''(6) QUALIFIED HEALTH INFORMATION TECHNOLOGY.—The term 'qualified health information technology' means a computerized system (including hardware, software, and training) that—

''(A) protects the privacy and security of health information;

''(B) maintains and provides permitted access to health information in an electronic format;

''(C) incorporates decision support to reduce medical errors and enhance health care quality;

''(D) complies with the standards adopted by the Federal Government under section 2903; and

''(E) allows for the reporting of quality measures under section 2908.

''(7) STATE.—The term 'State' means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

''SEC. 2902. OFFICE OF THE NATIONAL COORDINATOR OF HEALTH INFORMATION TECHNOLOGY.

''(a) OFFICE OF NATIONAL HEALTH INFORMATION TECHNOLOGY.—There is established within the Office of the Secretary an Office of the National Coordinator of Health Information Technology (referred to in this section as the 'Office'). The Office shall be headed by a National Coordinator who shall be appointed by the President, in consultation with the Secretary, and shall report directly to the Secretary.

''(b) PURPOSE.—It shall be the purpose of the Office to carry out programs and activities to develop a nationwide interoperable health information technology infrastructure that—

''(1) ensures that patients' health information is secure and protected;

''(2) improves health care quality, reduces medical errors, and advances the delivery of patient-centered medical care;

''(3) reduces health care costs resulting from inefficiency, medical errors, inappropriate care, and incomplete information;

''(4) ensures that appropriate information to help guide medical decisions is available at the time and place of care;

''(5) promotes a more effective marketplace, greater competition, and increased choice through the wider availability of accurate information on health care costs, quality, and outcomes;

''(6) improves the coordination of care and information among hospitals, laboratories, physician offices, and other entities through an effective infrastructure for the secure and authorized exchange of health care information;

''(7) improves public health reporting and facilitates the early identification and rapid response to public health threats and emergencies, including bioterror events and infectious disease outbreaks;

''(8) facilitates health research; and

''(9) promotes prevention of chronic diseases.

''(c) DUTIES OF THE NATIONAL COORDINATOR.—The National Coordinator shall—

''(1) serve as a member of the public-private American Health Information Collaborative established under section 2903;

''(2) serve as the principal advisor to the Secretary concerning the development, application, and use of health information technology, and coordinate and oversee the health information technology programs of the Department;

''(3) facilitate the adoption of a nationwide, interoperable system for the electronic exchange of health information;

''(4) ensure the adoption and implementation of standards for the electronic exchange of health information to reduce cost and improve health care quality;

''(5) ensure that health information technology policy and programs of the Department are coordinated with those of relevant executive branch agencies (including Federal commissions) with a goal of avoiding duplication of efforts and of helping to ensure that each agency undertakes health information technology activities primarily within the areas of its greatest expertise and technical capability;

''(6) to the extent permitted by law, coordinate outreach and consultation by the relevant executive branch agencies (including Federal commissions) with public and private parties of interest, including consumers, payers, employers, hospitals and other health care providers, physicians, community health centers, laboratories, vendors and other stakeholders;

''(7) advise the President regarding specific Federal health information technology programs; and

''(8) submit the reports described under section 2903(i) (excluding paragraph (4) of such section).

''(d) DETAIL OF FEDERAL EMPLOYEES.—

''(1) IN GENERAL.—Upon the request of the National Coordinator, the head of any Federal agency is authorized to detail, with or without reimbursement from the Office, any of the personnel of such agency to the Office to assist it in carrying out its duties under this section.

''(2) EFFECT OF DETAIL.—Any detail of personnel under paragraph (1) shall—

''(A) not interrupt or otherwise affect the civil service status or privileges of the Federal employee; and

''(B) be in addition to any other staff of the Department employed by the National Coordinator.

''(3) ACCEPTANCE OF DETAILEES.—Notwithstanding any other provision of law, the Office may accept detailed personnel from other Federal agencies without regard to whether the agency described under paragraph (1) is reimbursed.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the establishment of the Office, regardless of whether such efforts were carried out prior to or after the enactment of this title.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Office under this section for each of fiscal years 2006 through 2010.

''SEC. 2903. AMERICAN HEALTH INFORMATION COLLABORATIVE.

''(a) PURPOSE.—The Secretary shall establish the public-private American Health Information Collaborative (referred to in this section as the 'Collaborative') to—

''(1) advise the Secretary and recommend specific actions to achieve a nationwide interoperable health information technology infrastructure;

''(2) serve as a forum for the participation of a broad range of stakeholders to provide input on achieving the interoperability of health information technology; and

''(3) recommend standards (including content, communication, and security standards) for the electronic exchange of health information for adoption by the Federal Government and voluntary adoption by private entities.

''(b) COMPOSITION.—

''(1) IN GENERAL.—The Collaborative shall be composed of—

''(A) the Secretary, who shall serve as the chairperson of the Collaborative;

''(B) the Secretary of Defense, or his or her designee;

''(C) the Secretary of Veterans Affairs, or his or her designee;

''(D) the Secretary of Commerce, or his or her designee;

''(E) the National Coordinator for Health Information Technology;

''(F) representatives of other relevant Federal agencies, as determined appropriate by the Secretary; and

''(G) representatives from each of the following categories to be appointed by the Secretary from nominations submitted by the public—

''(i) consumer and patient organizations;

''(ii) experts in health information privacy and security;

''(iii) health care providers;

''(iv) health insurance plans or other third party payors;

''(v) standards development organizations;

''(vi) information technology vendors;

''(vii) purchasers or employers; and

''(viii) State or local government agencies or Indian tribe or tribal organizations.

''(2) CONSIDERATIONS.—In appointing members under paragraph (1)(G), the Secretary shall select individuals with expertise in—

''(A) health information privacy;

''(B) health information security;

''(C) health care quality and patient safety, including those individuals with experience in utilizing health information technology to

improve health care quality and patient safety;

''(D) data exchange; and

''(E) developing health information technology standards and new health information technology.

''(3) TERMS.—Members appointed under paragraph (1)(G) shall serve for 2 year terms, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve for not to exceed 180 days after the expiration of such member's term or until a successor has been appointed.

''(c) RECOMMENDATIONS AND POLICIES.—The Collaborative shall make recommendations to identify uniform national policies for adoption by the Federal Government and voluntary adoption by private entities to support the widespread adoption of health information technology, including—

''(1) protection of health information through privacy and security practices;

''(2) measures to prevent unauthorized access to health information;

''(3) methods to facilitate secure patient access to health information;

''(4) the ongoing harmonization of industry-wide health information technology standards;

''(5) recommendations for a nationwide interoperable health information technology infrastructure;

''(6) the identification and prioritization of specific use cases for which heath information technology is valuable, beneficial, and feasible;

''(7) recommendations for the establishment of an entity to ensure the continuation of the functions of the Collaborative; and

''(8) other policies determined to be necessary by the Collaborative.

''(d) STANDARDS.—

''(1) EXISTING STANDARDS.—The standards adopted by the Consolidated Health Informatics Initiative shall be deemed to have been recommended by the Collaborative under this section.

''(2) FIRST YEAR REVIEW.—Not later than 1 year after the date of enactment of this title, the Collaborative shall—

''(A) review existing standards (including content, communication, and security standards) for the electronic exchange of health information, including such standards adopted by the Secretary under paragraph (2)(A);

''(B) identify deficiencies and omissions in such existing standards; and

''(C) identify duplication and overlap in such existing standards;

and recommend modifications to such standards as necessary.

''(3) ONGOING REVIEW.—Beginning 1 year after the date of enactment of this title, and annually thereafter, the Collaborative shall—

''(A) review existing standards (including content, communication, and security standards) for the electronic exchange of health information, including such standards adopted by the Secretary under paragraph (2)(A);

''(B) identify deficiencies and omissions in such existing standards; and

''(C) identify duplication and overlap in such existing standards;

and recommend modifications to such standards as necessary.

''(4) LIMITATION.—The standards described in this section shall be consistent with any standards developed pursuant to the Health Insurance Portability and Accountability Act of 1996.

''(e) FEDERAL ACTION.—Not later than 60 days after the issuance of a recommendation from the Collaborative under subsection (d)(2), the Secretary of Health and Human Services, the Secretary of Veterans Affairs, and the Secretary of Defense, in collaboration with representatives of other relevant Federal agencies, as determined appropriate by the Secretary, shall jointly review such recommendations. The Secretary shall provide for the adoption by the Federal Government of any standard or standards contained in such recommendation.

''(f) COORDINATION OF FEDERAL SPENDING.—Not later than 1 year after the adoption by the Federal Government of a recommendation as provided for in subsection (e), and in compliance with chapter 113 of title 40, United States Code, no Federal agency shall expend Federal funds for the purchase of any form of health information technology or health information technology system for clinical care or for the electronic retrieval, storage, or exchange of health information that is not consistent with applicable standards adopted by the Federal Government under subsection (e).

''(g) COORDINATION OF FEDERAL DATA COLLECTION.—Not later than 3 years after the adoption by the Federal Government of a recommendation as provided for in subsection (e), all Federal agencies collecting health data for the purposes of surveillance, epidemiology, adverse event reporting, research, or for other purposes determined appropriate by the Secretary shall comply with standards adopted under subsection (e).

''(h) VOLUNTARY ADOPTION.—Any standards adopted by the Federal Government under subsection (e) shall be voluntary with respect to private entities.

''(i) REPORTS.—The Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, on an annual basis, a report that—

''(1) describes the specific actions that have been taken by the Federal Government and private entities to facilitate the adoption of an interoperable nationwide system for the electronic exchange of health information;

''(2) describes barriers to the adoption of such a nationwide system;

''(3) contains recommendations to achieve full implementation of such a nationwide system; and

''(4) contains a plan and progress toward the establishment of an entity to ensure the continuation of the functions of the Collaborative.

''(j) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Collaborative, except that the term provided for under section 14(a)(2) shall be 5 years.

''(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the establishment of the Collaborative, regardless of whether such efforts were carried out prior to or after the enactment of this title.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2006 through 2010.

''SEC. 2904. IMPLEMENTATION AND CERTIFICATION OF HEALTH INFORMATION STANDARDS.

''(a) IMPLEMENTATION.—

''(1) IN GENERAL.—The Secretary, based upon the recommendations of the Collaborative, shall develop criteria to ensure uniform and consistent implementation of any standards for the electronic exchange of health information voluntarily adopted by private entities in technical conformance with such standards adopted under this title.

''(2) IMPLEMENTATION ASSISTANCE.—The Secretary may recognize a private entity or entities to assist private entities in the implementation of the standards adopted under this title using the criteria developed by the Secretary under this section.

''(b) CERTIFICATION.—

''(1) IN GENERAL.—The Secretary, based upon the recommendations of the Collaborative, shall develop criteria to ensure and certify that hardware, software, and support services that claim to be in compliance with any standard for the electronic exchange of health information adopted under this title have established and maintained such compliance in technical conformance with such standards.

''(2) CERTIFICATION ASSISTANCE.—The Secretary may recognize a private entity or entities to assist in the certification described under paragraph (1) using the criteria developed by the Secretary under this section.

''(c) DELEGATION AUTHORITY.—The Secretary, through consultation with the Collaborative, may delegate the development of the criteria under subsections (a) and (b) to a private entity.

''SEC. 2905. GRANTS TO FACILITATE THE WIDESPREAD ADOPTION OF INTEROPERABLE HEALTH INFORMATION TECHNOLOGY.

''(a) COMPETITIVE GRANTS TO FACILITATE THE WIDESPREAD ADOPTION OF HEALTH INFORMATION TECHNOLOGY.—

''(1) IN GENERAL.—The Secretary may award competitive grants to eligible entities to facilitate the purchase and enhance the utilization of qualified health information technology systems to improve the quality and efficiency of health care.

''(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1) an entity shall—

''(A) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

''(B) submit to the Secretary a strategic plan for the implementation of data sharing and interoperability measures;

''(C) be a—

''(i) not for profit hospital;

''(ii) group practice (including a single physician); or

''(iii) another health care provider not described in clause (i) or (ii);

''(D) adopt the standards adopted by the Federal Government under section 2903;

''(E) require that health care providers receiving such grants implement the measurement system adopted under section 2908 and report to the Secretary on such measures;

''(F) demonstrate significant financial need; and

''(G) provide matching funds in accordance with paragraph (4).

''(3) USE OF FUNDS.—Amounts received under a grant under this subsection shall be used to facilitate the purchase and enhance the utilization of qualified health information technology systems.

''(4) MATCHING REQUIREMENT.—To be eligible for a grant under this subsection an entity shall contribute non-Federal contributions to the costs of carrying out the activities for which the grant is awarded in an amount equal to $1 for each $3 of Federal funds provided under the grant.

''(5) PREFERENCE IN AWARDING GRANTS.—In awarding grants under this subsection the Secretary shall give preference to—

''(A) eligible entities that are located in rural, frontier, and other underserved areas as determined by the Secretary; and

''(B) eligible entities that will link, to the extent practicable, the qualified health information system to local or regional health information networks.

''(b) COMPETITIVE GRANTS TO STATES FOR THE DEVELOPMENT OF STATE LOAN PROGRAMS TO FACILITATE THE WIDESPREAD ADOPTION OF HEALTH INFORMATION TECHNOLOGY.—

''(1) IN GENERAL.—The Secretary may award competitive grants to States for the establishment of State programs for loans to health care providers to facilitate the purchase and enhance the utilization of qualified health information technology.

''(2) ESTABLISHMENT OF FUND.—To be eligible to receive a competitive grant under this subsection, a State shall establish a qualified health information technology loan fund (referred to in this subsection as a 'State loan fund') and comply with the other requirements contained in this section. A grant to a State under this subsection shall be deposited in the State loan fund established by the State. No funds authorized by other provisions of this title to be used for other purposes specified in this title shall be deposited in any State loan fund.

''(3) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1) a State shall—

''(A) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

''(B) submit to the Secretary a strategic plan in accordance with paragraph (4);

''(C) establish a qualified health information technology loan fund in accordance with paragraph (2);

''(D) require that health care providers receiving such loans—

''(i) link, to the extent practicable, the qualified health information system to a local or regional health information network; and

''(ii) consult with the Center for Best Practices established in section 914(d) to access the knowledge and experience of existing initiatives regarding the successful implementation and effective use of health information technology;

''(E) require that health care providers receiving such loans adopt the standards adopted by the Federal Government under section 2903(d);

''(F) require that health care providers receiving such loans implement the measurement system adopted under section 2908 and report to the Secretary on such measures; and

''(G) provide matching funds in accordance with paragraph (8).

''(4) STRATEGIC PLAN.—

''(A) IN GENERAL.—A State that receives a grant under this subsection shall annually prepare a strategic plan that identifies the intended uses of amounts available to the State loan fund of the State.

''(B) CONTENTS.—A strategic plan under subparagraph (A) shall include—

''(i) a list of the projects to be assisted through the State loan fund in the first fiscal year that begins after the date on which the plan is submitted;

''(ii) a description of the criteria and methods established for the distribution of funds from the State loan fund; and

''(iii) a description of the financial status of the State loan fund and the short-term and long-term goals of the State loan fund.

''(5) USE OF FUNDS.—

''(A) IN GENERAL.—Amounts deposited in a State loan fund, including loan repayments and interest earned on such amounts, shall be used only for awarding loans or loan guarantees, or as a source of reserve and security for leveraged loans, the proceeds of which are deposited in the State loan fund established under paragraph (1). Loans under this section may be used by a health care provider to facilitate the purchase and enhance the utilization of qualified health information technology.

''(B) LIMITATION.—Amounts received by a State under this subsection may not be used—

''(i) for the purchase or other acquisition of any health information technology system that is not a qualified health information technology system;

''(ii) to conduct activities for which Federal funds are expended under this title, or the amendments made by the Wired for Health Care Quality Act; or

''(iii) for any purpose other than making loans to eligible entities under this section.

''(6) TYPES OF ASSISTANCE.—Except as otherwise limited by applicable State law, amounts deposited into a State loan fund under this subsection may only be used for the following:

''(A) To award loans that comply with the following:

''(i) The interest rate for each loan shall be less than or equal to the market interest rate.

''(ii) The principal and interest payments on each loan shall commence not later than 1 year after the loan was awarded, and each loan shall be fully amortized not later than 10 years after the date of the loan.

''(iii) The State loan fund shall be credited with all payments of principal and interest on each loan awarded from the fund.

''(B) To guarantee, or purchase insurance for, a local obligation (all of the proceeds of which finance a project eligible for assistance under this subsection) if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation involved.

''(C) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State if the proceeds of the sale of the bonds will be deposited into the State loan fund.

''(D) To earn interest on the amounts deposited into the State loan fund.

''(7) ADMINISTRATION OF STATE LOAN FUNDS.—

''(A) COMBINED FINANCIAL ADMINISTRATION.—A State may (as a convenience and to avoid unnecessary administrative costs) combine, in accordance with State law, the financial administration of a State loan fund established under this subsection with the financial administration of any other revolving fund established by the State if otherwise not prohibited by the law under which the State loan fund was established.

''(B) COST OF ADMINISTERING FUND.—Each State may annually use not to exceed 4 percent of the funds provided to the State under a grant under this subsection to pay the reasonable costs of the administration of the programs under this section, including the recovery of reasonable costs expended to establish a State loan fund which are incurred after the date of enactment of this title.

''(C) GUIDANCE AND REGULATIONS.—The Secretary shall publish guidance and promulgate regulations as may be necessary to carry out the provisions of this subsection, including—

''(i) provisions to ensure that each State commits and expends funds allotted to the State under this subsection as efficiently as possible in accordance with this title and applicable State laws; and

''(ii) guidance to prevent waste, fraud, and abuse.

''(D) PRIVATE SECTOR CONTRIBUTIONS.—

''(i) IN GENERAL.—A State loan fund established under this subsection may accept contributions from private sector entities, except that such entities may not specify the recipient or recipients of any loan issued under this subsection.

''(ii) AVAILABILITY OF INFORMATION.—A State shall make publically available the identity of, and amount contributed by, any private sector entity under clause (i) and may issue letters of commendation or make other awards (that have no financial value) to any such entity.

''(8) MATCHING REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary may not make a grant under paragraph (1) to a State unless the State agrees to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward the costs of the State program to be implemented under the grant in an amount equal to not less than $1 for each $1 of Federal funds provided under the grant.

''(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—In determining the amount of non-Federal contributions that a State has provided pursuant to subparagraph (A), the Secretary may not include any amounts provided to the State by the Federal Government.

''(9) PREFERENCE IN AWARDING GRANTS.—The Secretary may give a preference in awarding grants under this subsection to States that adopt value-based purchasing programs to improve health care quality.

''(10) REPORTS.—The Secretary shall annually submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, a report summarizing the reports received by the Secretary from each State that receives a grant under this subsection.

''(c) GRANTS FOR THE IMPLEMENTATION OF REGIONAL OR LOCAL HEALTH INFORMATION TECHNOLOGY PLANS.—

''(1) IN GENERAL.—The Secretary may award competitive grants to eligible entities to implement regional or local health information plans to improve health care quality and efficiency through the electronic exchange of health information pursuant to the standards, protocols, and other requirements adopted by the Secretary under sections 2903 and 2908.

''(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1) an entity shall—

''(A) demonstrate financial need to the Secretary;

''(B) demonstrate that one of its principal missions or purposes is to use information technology to improve health care quality and efficiency;

''(C) adopt bylaws, memoranda of understanding, or other charter documents that demonstrate that the governance structure and decisionmaking processes of such entity allow for participation on an ongoing basis by multiple stakeholders within a community, including—

''(i) physicians (as defined in section 1861(r) of the Social Security Act), including physicians that provide services to low income and underserved populations;

''(ii) hospitals (including hospitals that provide services to low income and underserved populations);

''(iii) pharmacists or pharmacies;

''(iv) health insurance plans;

''(v) health centers (as defined in section 330(b)) and Federally qualified health centers (as defined in section 1861(aa)(4) of the Social Security Act);

''(vi) rural health clinics (as defined in section 1861(aa) of the Social Security Act);

''(vii) patient or consumer organizations;

''(viii) employers; and

''(ix) any other health care providers or other entities, as determined appropriate by the Secretary;

''(D) adopt nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory participation in the health information plan by all stakeholders;

''(E) adopt the standards adopted by the Secretary under section 2903;

''(F) require that health care providers receiving such loans implement the measurement system adopted under section 2908 and report to the Secretary on such measures;

''(G) facilitate the electronic exchange of health information within the local or regional area and among local and regional areas;

''(H) prepare and submit to the Secretary an application in accordance with paragraph (3); and

''(I) agree to provide matching funds in accordance with paragraph (5).

''(3) APPLICATION.—

''(A) IN GENERAL.—To be eligible to receive a grant under paragraph (1), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(B) REQUIRED INFORMATION.—At a minimum, an application submitted under this paragraph shall include—

''(i) clearly identified short-term and long-term objectives of the regional or local health information plan;

''(ii) a technology plan that complies with the standards adopted under section 2903 and that includes a descriptive and reasoned estimate of costs of the hardware, software, training, and consulting services necessary to implement the regional or local health information plan;

''(iii) a strategy that includes initiatives to improve health care quality and efficiency, including the use and reporting of health care quality measures adopted under section 2908;

''(iv) a plan that describes provisions to encourage the implementation of the electronic exchange of health information by all physicians, including single physician practices and small physician groups participating in the health information plan;

''(v) a plan to ensure the privacy and security of personal health information that is consistent with Federal and State law;

''(vi) a governance plan that defines the manner in which the stakeholders shall jointly make policy and operational decisions on an ongoing basis; and

''(vii) a financial or business plan that describes—

''(I) the sustainability of the plan;

''(II) the financial costs and benefits of the plan; and

''(III) the entities to which such costs and benefits will accrue.

''(4) USE OF FUNDS.—Amounts received under a grant under paragraph (1) shall be used to establish and implement a regional or local health information plan in accordance with this subsection.

''(5) MATCHING REQUIREMENT.—

''(A) IN GENERAL.—The Secretary may not make a grant under this subsection to an entity unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the infrastructure program for which the grant was awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than 50 percent of such costs ($1 for each $2 of Federal funds provided under the grant).

''(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under subparagraph (A) may be in cash or in kind, fairly evaluated, including equipment, technology, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(d) REPORTS.—Not later than 1 year after the date on which the first grant is awarded under this section, and annually thereafter during the grant period, an entity that receives a grant under this section shall submit to the Secretary a report on the activities carried out under the grant involved. Each such report shall include—

''(1) a description of the financial costs and benefits of the project involved and of the entities to which such costs and benefits accrue;

''(2) an analysis of the impact of the project on health care quality and safety;

''(3) a description of any reduction in duplicative or unnecessary care as a result of the project involved;

''(4) a description of the efforts of recipients under this section to facilitate secure patient access to health information; and

''(5) other information as required by the Secretary.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $125,000,000 for fiscal year 2006, $150,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available through fiscal year 2010.

''SEC. 2906. DEMONSTRATION PROGRAM TO INTEGRATE INFORMATION TECHNOLOGY INTO CLINICAL EDUCATION.

''(a) IN GENERAL.—The Secretary may award grants under this section to carry out demonstration projects to develop academic curricula integrating qualified health information technology systems in the clinical education of health professionals. Such awards shall be made on a competitive basis and pursuant to peer review.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

''(2) submit to the Secretary a strategic plan for integrating qualified health information technology in the clinical education of health professionals and for ensuring the consistent utilization of decision support software to reduce medical errors and enhance health care quality;

''(3) be—

''(A) a health professions school;

''(B) a school of nursing; or

''(C) a graduate medical education program;

''(4) provide for the collection of data regarding the effectiveness of the demonstration project to be funded under the grant in improving the safety of patients, the efficiency of health care delivery, and in increasing the likelihood that graduates of the grantee will adopt and incorporate health information technology in the delivery of health care services; and

''(5) provide matching funds in accordance with subsection (c).

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—With respect to a grant under subsection (a), an eligible entity shall—

''(A) use grant funds in collaboration with 2 or more disciplines; and

''(B) use grant funds to integrate qualified health information technology into community-based clinical education.

''(2) LIMITATION.—An eligible entity shall not use amounts received under a grant under subsection (a) to purchase hardware, software, or services.

''(d) MATCHING FUNDS.—

''(1) IN GENERAL.—The Secretary may award a grant to an entity under this section only if the entity agrees to make available non-Federal contributions toward the costs of the program to be funded under the grant in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

''(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under paragraph (1) may be in cash or in kind, fairly evaluated, including equipment or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.

''(e) EVALUATION.—The Secretary shall take such action as may be necessary to evaluate the projects funded under this section and publish, make available, and disseminate the results of such evaluations on as wide a basis as is practicable.

''(f) REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives a report that—

''(1) describes the specific projects established under this section; and

''(2) contains recommendations for Congress based on the evaluation conducted under subsection (e).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

''(h) SUNSET.—This section shall not apply after September 30, 2010.

''SEC. 2907. LICENSURE AND THE ELECTRONIC EXCHANGE OF HEALTH INFORMATION.

''(a) IN GENERAL.—The Secretary shall carry out, or contract with a private entity to carry out, a study that examines—

''(1) the variation among State laws that relate to the licensure, registration, and certification of medical professionals; and

''(2) how such variation among State laws impacts the secure electronic exchange of health information—

''(A) among the States; and

''(B) between the States and the Federal Government.

''(b) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this title, the Secretary shall publish a report that—

''(1) describes the results of the study carried out under subsection (a); and

''(2) makes recommendations to States regarding the harmonization of State laws based on the results of such study.

''SEC. 2908. QUALITY MEASUREMENT SYSTEMS.

''(a) IN GENERAL.—The Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Secretary of Defense, and representatives of other relevant Federal agencies, as determined appropriate by the Secretary, (referred to in the section as the 'Secretaries') shall jointly develop a quality measurement system for the purpose of measuring the quality of care patients receive.

''(b) REQUIREMENTS.—The Secretaries shall ensure that the quality measurement system developed under subsection (a) comply with the following:

''(1) MEASURES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretaries shall select measures of quality to be used by the Secretaries under the systems.

''(B) REQUIREMENTS.—In selecting the measures to be used under each system pursuant to subparagraph (A), the Secretaries shall, to the extent feasible, ensure that—

''(i) such measures are evidence based, reliable and valid;

''(ii) such measures include measures of process, structure, patient experience, efficiency, and equity; and

''(iii) such measures include measures of overuse, underuse, and misuse of health care items and services.

''(2) PRIORITIES.—In developing the system under subsection (a), the Secretaries shall ensure that priority is given to—

''(A) measures with the greatest potential impact for improving the quality and efficiency of care provided under Federal programs;

''(B) measures that may be rapidly implemented by group health plans, health insurance issuers, physicians, hospitals, nursing homes, long-term care providers, and other providers; and

''(C) measures which may inform health care decisions made by consumers and patients.

''(3) WEIGHTS OF MEASURES.—The Secretaries shall assign weights to the measures used by the Secretaries under each system established under subsection (a).

''(4) RISK ADJUSTMENT.—The Secretaries shall establish procedures to account for differences in patient health status, patient characteristics, and geographic location. To the extent practicable, such procedures shall recognize existing procedures.

''(5) MAINTENANCE.—The Secretaries shall, as determined appropriate, but in no case more often than once during each 12-month period, update the quality measurement systems developed under subsection (a), including through—

''(A) the addition of more accurate and precise measures under the systems and the retirement of existing outdated measures under the systems; and

''(B) the refinement of the weights assigned to measures under the systems.

''(c) REQUIRED CONSIDERATIONS IN DEVELOPING AND UPDATING THE SYSTEMS.—In developing and updating the quality measurement systems under this section, the Secretaries shall—

''(1) consult with, and take into account the recommendations of, the entity that the Secretaries has an arrangement with under subsection (e);

''(2) consult with representatives of health care providers, consumers, employers, and other individuals and groups that are interested in the quality of health care; and

''(3) take into account—

''(A) any demonstration or pilot program conducted by the Secretaries relating to measuring and rewarding quality and efficiency of care;

''(B) any existing activities conducted by the Secretaries relating to measuring and rewarding quality and efficiency;

''(C) any existing activities conducted by private entities including health insurance plans and payors; and

''(D) the report by the Institute of Medicine of the National Academy of Sciences under section 238(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

''(d) REQUIRED CONSIDERATIONS IN IMPLEMENTING THE SYSTEMS.—In implementing the quality measurement systems under this section, the Secretaries shall take into account the recommendations of public-private entities—

''(1) that are established to examine issues of data collection and reporting, including the feasibility of collecting and reporting data on measures; and

''(2) that involve representatives of health care providers, consumers, employers, and other individuals and groups that are interested in quality of care.

''(e) ARRANGEMENT WITH AN ENTITY TO PROVIDE ADVICE AND RECOMMENDATIONS.—

''(1) ARRANGEMENT.—On and after July 1, 2006, the Secretaries shall have in place an arrangement with an entity that meets the requirements described in paragraph (2) under which such entity provides the Secretaries with advice on, and recommendations with respect to, the development and updating of the quality measurement systems under this section, including the assigning of weights to the measures under subsection (b)(2).

''(2) REQUIREMENTS DESCRIBED.—The requirements described in this paragraph are the following:

''(A) The entity is a private nonprofit entity governed by an executive director and a board.

''(B) The members of the entity include representatives of—

''(i) health insurance plans and providers with experience in the care of individuals with multiple complex chronic conditions or groups representing such health insurance plans and providers;

''(ii) groups representing patients and consumers;

''(iii) purchasers and employers or groups representing purchasers or employers;

''(iv) organizations that focus on quality improvement as well as the measurement and reporting of quality measures;

''(v) State government health programs;

''(vi) individuals or entities skilled in the conduct and interpretation of biomedical, health services, and health economics research and with expertise in outcomes and effectiveness research and technology assessment; and

''(vii) individuals or entities involved in the development and establishment of standards and certification for health information technology systems and clinical data.

''(C) The membership of the entity is representative of individuals with experience with urban health care issues and individuals with experience with rural and frontier health care issues.

''(D) If the entity requires a fee for membership, the entity shall provide assurances to the Secretaries that such fees are not a substantial barrier to participation in the entity's activities related to the arrangement with the Secretaries.

''(E) The entity—

''(i) permits any member described in subparagraph (B) to vote on matters of the entity related to the arrangement with the Secretary under paragraph (1); and

''(ii) ensures that member voting provides a balance among disparate stakeholders, so that no member organization described in subparagraph (B) unduly influences the outcome.

''(F) With respect to matters related to the arrangement with the Secretary under paragraph (1), the entity conducts its business in an open and transparent manner and provides the opportunity for public comment.

''(G) The entity operates as a voluntary consensus standards setting organization as defined for purposes of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (Public Law 10409113) and Office of Management and Budget Revised Circular A09119 (published in the Federal Register on February 10, 1998).

''(f) USE OF QUALITY MEASUREMENT SYSTEM.—

''(1) IN GENERAL.—For purposes of activities conducted or supported by the Secretary under this Act, the Secretary shall, to the extent practicable, adopt and utilize the measurement system developed under this section.

''(2) COLLABORATIVE AGREEMENTS.—With respect to activities conducted or supported by the Secretary under this Act, the Secretary may establish collaborative agreements with private entities, including group health plans and health insurance issuers, providers, purchasers, consumer organizations, and entities receiving a grant under section 2908, to—

''(A) encourage the use of the health care quality measures adopted by the Secretary under this section; and

''(B) foster uniformity between the health care quality measures utilized by private entities.

''(g) DISSEMINATION OF INFORMATION.—Beginning on January 1, 2008, in order to make comparative quality information available to health care consumers, health professionals, public health officials, researchers, and other appropriate individuals and entities, the Secretary shall provide for the aggregation and analysis of quality measures collected under section 2905 and the dissemination of recommendations and best practices derived in part from such analysis.

''(h) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to public and private entities to enable such entities to—

''(1) implement and use evidence-based guidelines with the greatest potential to improve health care quality, efficiency, and patient safety; and

''(2) establish mechanisms for the rapid dissemination of information regarding evidence-based guidelines with the greatest potential to improve health care quality, efficiency, and patient safety.

''SEC. 2909. APPLICABILITY OF PRIVACY AND SECURITY REGULATIONS.

''The regulations promulgated by the Secretary under part C of title XI of the Social Security Act and sections 261, 262, 263, and 264 of the Health Insurance Portability and Accountability Act of 1996 with respect to the privacy, confidentiality, and security of health information shall—

''(1) apply to any health information stored or transmitted in an electronic format on or after the date of enactment of this title; and

''(2) apply to the implementation of standards, programs, and activities under this title.

''SEC. 2910. STUDY OF REIMBURSEMENT INCENTIVES.

''The Secretary shall carry out, or contract with a private entity to carry out, a study that examines methods to create efficient reimbursement incentives for improving health care quality in Federally qualified health centers, rural health clinics, and free clinics.''.

SEC. 3. HEALTH INFORMATION TECHNOLOGY RESOURCE CENTER.

Section 914 of the Public Health Service Act (42 U.S.C. 299b-3) is amended by adding at the end the following:

''(d) CENTER FOR BEST PRACTICES.—

''(1) IN GENERAL.—The Secretary, acting through the Director, shall develop a Center for Best Practices to provide technical assistance and develop best practices to support and accelerate efforts to adopt, implement, and effectively use interoperable health information technology in compliance with section 2903 and 2908.

''(2) CENTER FOR BEST PRACTICES.—

''(A) IN GENERAL.—The Center shall support activities to meet goals, including—

''(i) providing for the widespread adoption of interoperable health information technology;

''(ii) providing for the establishment of regional and local health information networks to facilitate the development of interoperability across health care settings and improve the quality of health care;

''(iii) the development of solutions to barriers to the exchange of electronic health information; or

''(iv) other activities identified by the States, local or regional health information networks, or health care stakeholders as a focus for developing and sharing best practices.

''(B) PURPOSES.—The purpose of the Center is to—

''(i) provide a forum for the exchange of knowledge and experience;

''(ii) accelerate the transfer of lessons learned from existing public and private sector initiatives, including those currently receiving Federal financial support;

''(iii) assemble, analyze, and widely disseminate evidence and experience related to the adoption, implementation, and effective use of interoperable health information technology; and

''(iv) assure the timely provision of technical and expert assistance from the Agency and its contractors.

''(C) SUPPORT FOR ACTIVITIES.—To provide support for the activities of the Center, the Director shall modify the requirements, if necessary, that apply to the National Resource Center for Health Information Technology to provide the necessary infrastructure to support the duties and activities of the Center and facilitate information exchange across the public and private sectors.

''(3) TECHNICAL ASSISTANCE TELEPHONE NUMBER OR WEBSITE.—The Secretary shall establish a toll-free telephone number or Internet website to provide health care providers and patients with a single point of contact to—

''(A) learn about Federal grants and technical assistance services related to interoperable health information technology;

''(B) learn about qualified health information technology and the quality measurement system adopted by the Federal Government under sections 2903 and 2908;

''(C) learn about regional and local health information networks for assistance with health information technology; and

''(D) disseminate additional information determined by the Secretary.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.''.

SEC. 4. REAUTHORIZATION OF INCENTIVE GRANTS REGARDING TELEMEDICINE.

Section 330L(b) of the Public Health Service Act (42 U.S.C. 254c-18(b)) is amended by striking ''2002 through 2006'' and inserting ''2006 through 2010''

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 198—COMMEMORATING THE 25TH ANNIVERSARY OF THE 1980 WORKER'S STRIKE IN POLAND AND THE BIRTH OF THE SOLIDARITY TRADE UNION, THE FIRST FREE AND INDEPENDENT TRADE UNION ESTABLISHED IN THE SOVIET-DOMINATED COUNTRIES OF EUROPE

Ms. MIKULSKI (for herself, Mr. VOINOVICH, Mr. DURBIN, Mr. SARBANES, Mr. LUGAR, Mr. DODD, Mr. FEINGOLD, Mr. KERRY, Mr. BIDEN, Mr. INOUYE, Mr. TALENT, Mrs. DOLE, Mr. CRAPO, Mr. SANTORUM, Mr. COBURN, Mr. BROWNBACK, Mr. OBAMA, Mrs. BOXER, and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 198

Whereas, on May 9, 1945, Europe declared victory over the oppression of the Nazi regime;

Whereas, Poland and other countries in Central, Eastern, and Southern Europe soon fell under the oppressive control of the Soviet Union;

Whereas for decades the people of Poland struggled heroically for freedom and democracy against that oppression;

Whereas, in June 1979, Pope John Paul II, the former Cardinal Karol Wojtyla, returned to Poland, his homeland, and exhorted his countrymen to ''be not afraid'' of the Communist regime;

Whereas, in 1980, the Solidarity Trade Union (known in Poland as ''NSZZ Solidarnosc'') was formed in Poland under the leadership of Lech Walesa and during the 1980s the actions of its leadership and members sparked a great social movement committed to promoting fundamental human rights, democracy, and the independence of Poland from the Soviet Union (known as the ''Solidarity Movement'');

Whereas, in July and August of 1980, workers in Poland in the shipyards of Gdansk and Szczecin, led by Lech Walesa and other leaders of the Solidarity Trade Union, went on strike to demand greater political freedom;

Whereas that strike was carried out in a peaceful and orderly manner;

Whereas, in August 1980, the Communist Government of Poland yielded to the 21 demands of the striking workers, including the release of all political prisoners, the broadcasting of religious services on television and radio, and the right to establish independent trade unions;

Whereas the Communist Government of Poland introduced martial law in December 1981 in an attempt to block the growing influence of the Solidarity Movement;

Whereas the support of the Polish-American community was essential and crucial for the Solidarity Movement to survive and remain active during that difficult time;

Whereas the people of the United States were greatly supportive of the efforts of the people of Poland to rid themselves of an oppressive government and people in the United States lit candles in their homes on Christmas Eve 1981, to show their solidarity with the people of Poland who were suffering under martial law;

Whereas Lech Walesa was awarded the Nobel Peace Prize in 1983 for continuing his struggle for freedom in Poland;

Whereas the Solidarity Movement persisted underground during the period when martial law was imposed in Poland and emerged in April 1989 as a powerful national movement;

Whereas, in February 1989, the Communist Government of Poland agreed to conduct roundtable talks with leaders of the Solidarity Movement;

Whereas such talks led to the holding of elections for the National Assembly of Poland in June 1989 in which nearly all open seats were won by candidates supported by the Solidarity Movement, and led to the election of Poland's first Prime Minister during the post-war era who was not a member of the Communist party, Mr. Tadeusz Mazowiecki;

Whereas, the Solidarity Movement ended communism in Poland without bloodshed and inspired Hungary, Czechoslovakia, and other nations to do the same, and the activities of its leaders and members were part of the historic series of events that led to the fall of the Berlin Wall on November 9, 1989;

Whereas, on November 15, 1989, Lech Walesa's historic speech before a joint session of Congress, beginning with the words ''We the people'', stirred a standing ovation from the Members of Congress;

Whereas, on December 9, 1989, Lech Walesa was elected President of Poland; and

Whereas there is a bond of friendship between the United States and Poland, which is a close and invaluable United States ally, a contributing partner in the North Atlantic Treaty Organization (NATO), a reliable partner in the war on terrorism, and a key contributor to international efforts in Iraq and Afghanistan: Now, therefore, let it be

Resolved, That the Senate—

(1) declares August 31, 2005, to be Solidarity Day in the United States to recognize the 25th anniversary of the establishment in Poland of the Solidarity Trade Union (known in Poland as the ''NSZZ Solidarnosc''), the first free and independent trade union established in the Soviet-dominated countries of Europe;

(2) honors the people of Poland who risked their lives to restore liberty in Poland and to return Poland to the democratic community of nations; and

(3) calls on the people of the United States to remember the struggle and sacrifice of the people of Poland and that the results of that struggle contributed to the fall of communism and the ultimate end of the Cold War.

Ms. MIKULSKI. Mr. President, I rise today to commemorate the birth of one of the greatest democracy movements in the 20th century: the Polish Solidarity movement. I am proud to join my friend Senator VOINOVICH in submitting a sense of the Senate honoring the people of Poland on this special anniversary.

On August 31 of this year, Poland will celebrate the 25th anniversary of the 1980 shipyard strikes in Gdansk and the creation of the Solidarity Trade Union, the first independent union established behind the Iron Curtain.

This date has a special meaning for me, and for the thousands of Polish Americans, who danced in the streets when Solidarity won freedom for Poland after decades of war and oppression. The history of Poland has, at times, been a melancholy one. Every king, kaiser, czar or comrade who ever wanted to have a war in Europe always started by invading Poland. But we know that while Poland was occupied, the heart and soul of the Polish nation has never been occupied. Poland has always strived to be part of the West in terms of its values and its orientation.

So in 1980, when an obscure electrician named Lech Walesa, working in the Gdansk shipyard, jumped over a wall proclaiming the Solidarity movement, he took the Polish people and the whole world with him, to bring down the Iron Curtain.

At first, we had reason to hope. The fledgling Solidarity movement won a major victory in August 1980, forcing Poland's communist government to accept a list of demands from the striking workers. The government released political prisoners, promised to permit the broadcast of religious services, and agreed to permit the activities of independent trade unions.

But just before Christmas 1980, our hopes were dashed that Poland would soon be free. The Soviets were worried

that Solidarity's growing popularity threatened their tight grip on the people of eastern Europe. Under pressure from Moscow, Poland's communist government declared martial law. Thousands of Solidarity leaders were arrested and imprisoned, including Lech Walesa. The borders were sealed, airports were closed and a curfew was imposed.

Through the dark days of martial law, Polish Americans stood by our cousins abroad, working to support the Solidarity movement. We found ourselves troubled and fearful for our friends and relatives in Poland, but we never doubted that Poland would one day regain its freedom. Polish peoples everywhere, whether we live here, as fully American citizens, or in Poland, know that the heart and soul of Poland lie with democracy and lie with freedom.

Even though the Solidarity movement was driven underground, it continued to grow. Under Lech Walesa's leadership, and with the support of Poland's native son, Pope John Paul II, Solidarity grew from a trade union into a national movement demanding freedom and independence for Poland.

In 1989, Solidarity won the right for the Polish people to hold elections for the National Assembly. They elected a majority in the Assembly supported by Solidarity and Poland's first non-communist Prime Minister in the post-war era.

Poland's peaceful march to freedom offered a beacon of hope to all those in Europe suffering under communist rule. And in December 1989, just weeks after the fall of the Berlin Wall, Lech Walesa was elected President of Poland.

Today, the United States and Poland are close partners and good friends. As Polish troops fight side-by-side with American troops in Afghanistan and Iraq, I hope our colleagues will join us in celebrating the birth of the Solidarity movement and honoring the people of Poland, whose heroic and peaceful resistance hastened the end of the Soviet Union and the emergence of one Europe, whole and free.

Mr. VOINOVICH. Mr. President, I rise to speak on behalf of a resolution to commemorate the 25th Anniversary of the Polish worker's strike of 1980, an important day in history for Poland, Eastern Europe and for democracy world-wide.

In 1980, while Poland was still very much under the control of the former Soviet Union, Lech Walesa formed the Solidarity Trade Union. In July and August of that year, he and other members of the Solidarity Trade Union led a worker's strike to demand greater political freedom in Poland.

That August, the Communist government in Poland yielded to the demands of the workers. In doing so, Lech Walesa and the Solidarity Trade Union won the release of all political prisoners held by the Polish government, forced that government to broadcast religious services on television and the radio, and won the right to establish other trade unions.

By late 1981, the Communist government, in an attempt to regain absolute control, instituted martial law in order to drive Lech Walesa and the Solidarity Trade Union underground. However, the seeds of freedom had already begun to grow in Poland, and throughout Eastern Europe.

On December 9, 1989, Lech Walesa was democratically elected President of Poland, signaling an end to Communist rule in Poland. Two years later, that failed ideology was dead in the Soviet Union itself.

As a strong supporter of NATO expansion, I was proud to welcome Poland and two other former Warsaw Pact members into NATO in May of 1999. I have long said that NATO expansion is the best way to guarantee that freedom and democracy continue to thrive in Eastern Europe, Southeastern Europe, and the Baltic states. The acceptance of Poland into the alliance, as well as the acceptance of eight other former Eastern Bloc nations, may not have been possible were it not for the Polish worker's strike of 1980.

Now, twenty-five years after the historic strike, Poland has become a staunch ally of the United States. Poland's contributions to the war on terror have been tremendous.

Today, we honor Lech Walesa and the people of Poland who risked their lives to restore liberty in Poland and to return Poland to the democratic community of nations.

SENATE RESOLUTION 199—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 199

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has been conducting an investigation into the United Nations ''Oil-for-Food'' Programme;

Whereas, the Subcommittee has received a number of requests from law enforcement officials, regulatory agencies, and other governmental entities for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into the United Nations ''Oil-for-Food'' Programme.

SENATE RESOLUTION 200—HONORING THE LIFE OF NOBEL LAUREATE JACK ST. CLAIR KILBY, INVENTOR OF THE INTEGRATED CIRCUIT AND INNOVATIVE LEADER IN THE INFORMATION AGE

Mr. CORNYN submitted the following resolution; which was considered and agreed to:

S. RES. 200

Whereas in July 1958, Mr. Kilby, as a young engineer, resolved a long-standing engineering problem, known as the ''tyranny of numbers'', which prevented engineers from simply and reliably interconnecting electronic components to form circuits by developing the first working integrated circuit;

Whereas on September 12, 1958, Mr. Kilby demonstrated the first working integrated circuit for his colleagues at Texas Instruments, Inc. in Dallas, Texas;

Whereas the resulting integrated circuit contributed to national defense by facilitating the development of the Minuteman Missile and other programs;

Whereas the integrated circuit was central to creating the modern computer and communications industries;

Whereas the creation of the integrated circuit has benefitted the people of Texas by spurring the economy of the State with strong semiconductor and communications sectors and has enabled the integrated circuit industry to enjoy phenomenal growth from $29,000,000,000 annually in 1961 to nearly $1,150,000,000,000 in 2005;

Whereas on October 10, 2000, 42 years after demonstrating the first integrated circuit, Mr. Kilby shared the 2000 Nobel Prize in Physics for his part in the invention of the integrated circuit;

Whereas the integrated circuit, known today as the microchip, was the first chip of its kind, drove the technological growth of the Information Age, permitted both the rapid evolution and the miniaturization of technological products, and provided a foundation for important advances in science and medicine that are saving and enriching lives around the world;

Whereas Mr. Kilby further advanced technological progress by inventing more than 60 additional patented items, including the hand-held calculator and the thermal printer;

Whereas Mr. Kilby retired from Texas Instruments, Inc. after 25 years of dedicated service but maintained his presence at the company as a source of inspiration to generations of young engineers until his death on June 20, 2005;

Whereas Mr. Kilby committed himself to education, serving as a Distinguished Professor of Electrical Engineering at Texas A&M University from 1978 to 1984, sharing with students the breadth of his knowledge and expertise;

Whereas Mr. Kilby is 1 of only 13 individuals to receive both the National Medal of Science and National Medal of Technology, the most prestigious awards of the Federal Government for technical achievement;

Whereas the National Academy of Engineering, an independent nonprofit institution that advises the Federal Government on

engineering and technology issues, awarded Mr. Kilby the 1989 Charles Stark Draper Prize, 1 of the preeminent awards for engineering achievement in the world;

Whereas the Inamori Foundation, a charitable institution in Japan dedicated to promoting international understanding by honoring individuals who have contributed to scientific progress, culture, and human betterment, bestowed upon Mr. Kilby the 1993 Kyoto Prize in Advanced Technology to recognize his contributions to humanity and society;

Whereas Mr. Kilby inspired the creation of the awards named after him, the Kilby International Awards, which honor unsung heroes and heroines who make significant contributions to society through science, technology, innovation, invention, and education;

Whereas Mr. Kilby was inducted into the National Inventors Hall of Fame, established in 1973 by the Patent and Trademark Office of the Department of Commerce and the National Council of Intellectual Property Associations, alongside other great inventors in United States history;

Whereas Mr. Kilby, a member of the ''Greatest Generation'', served the United States in World War II as a member of the United States Army;

Whereas Mr. Kilby will be remembered not only as a great technological innovator, but also as a loving husband, dedicated father, and devoted grandfather; and

Whereas Mr. Kilby's invention of the integrated circuit revolutionized nearly all aspects of modern life, has made technology more affordable and more accessible to the world, and will continue to exert tremendous influence on the development of technology in the 21st century: Now, therefore, be it

Resolved, That the Senate—

(1) has heard with profound sorrow and deep regret the announcement of the death of Nobel Laureate Jack St. Clair Kilby;

(2) commends Mr. Kilby for his pioneering work in the fields of engineering and electronics, which laid the foundation for the technological advances of the 20th and 21st centuries; and

(3) directs the Secretary of the Senate to transmit 1 enrolled copy of this resolution to Mr. Kilby's family.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1228. Mr. FRIST (for Mr. CONRAD) proposed an amendment to the concurrent resolution S. Con. Res. 26, honoring and memorializing the passengers and crew of United Airlines Flight 93.

SA 1229. Mr. MCCONNELL (for Mr. MARTINEZ (for himself, Mr. SCHUMER, and Mr. BROWNBACK)) proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes

SA 1230. Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 3057, supra.

SA 1231. Mr. MCCONNELL proposed an amendment to the bill H.R 3057, supra.

SA 1232. Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 3057, supra.

SA 1233. Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 3057, supra.

SA 1234. Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 3057, supra.

SA 1235. Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 3057, supra.

SA 1236. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1237. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1238. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1239. Mr. HARKIN proposed an amendment to the bill H.R. 3057, supra.

SA 1240. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1241. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1242. Mr. COBURN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1243. Mr. INHOFE (for himself, Mr. SANTORUM, Ms. SNOWE, Mr. THOMAS, Mr. GRAHAM, Mr. BUNNING, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1244. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1245. Ms. LANDRIEU proposed an amendment to the bill H.R. 3057, supra.

SA 1246. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1247. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1248. Mr. MCCONNELL (for Mr. LIEBERMAN (for himself Mr. BROWNBACK, and Mr. KENNEDY)) proposed an amendment to the bill H.R. 3057, supra.

SA 1249. Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 3057, supra.

SA 1250. Mr. GRASSLEY (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra.

SA 1251. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1252. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1253. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1254. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1255. Mr. FEINGOLD (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1256. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1257. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1258. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1259. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1260. Mr. SANTORUM (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1261. Mrs. CLINTON (for herself, Mr. CHAFEE, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1262. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1263. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1264. Mr. OBAMA (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1265. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1266. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1267. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1268. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1269. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1228. Mr. FRIST (for Mr. CONRAD) proposed an amendment to the concurrent resolution S. Con. Res. 26, honoring and memorializing the passengers and crew of United Airlines Flight 93; as follows:

On page 3, line 2, strike ''and the minority leader of the Senate'' and insert ''the minority leader of the Senate, the Chairman and the Ranking Member of the Committee on Rules and Administration of the Senate, and the Chairman and the Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives''.

SA 1229. Mr. MCCONNELL (for Mr. MARTINEZ (for himself, Mr. SCHUMER, and Mr. BROWNBACK) proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326, between lines 10 and 11, insert the following new section:

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

SEC. 6113. Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking ''October 1, 2005'' and inserting ''October 1, 2006''.

SA 1230. Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the

bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 309, line 24, after ''Fund'', insert the following: in chapter 2 of title II of P.L. 108–106

SA 1231. Mr. MCCONNELL proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 210, on line 23, after the words ''or its agents'' insert the following: *Provided further*, That for purposes of this section, the prohibition shall not include activities of the Overseas Private Investment Corporation in Libya

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SA 1232. Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 295, line 23, strike ''local'' and insert in lieu thereof: foreign nongovernmental

On page 296, line 2, strike ''local'' and insert in lieu thereof: foreign nongovernmental

On page 311, line 9, strike ''local'' and insert in lieu thereof: foreign

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SA 1233. Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 191, line 24, after ''Appropriations'' insert: and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives

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SA 1234. Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 172, line 7, strike ''defenders'' and insert in lieu thereof: lawyers and journalists

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SA 1235. Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 176, line 2, after the colon insert: *Provided further*, That of the funds appropriated under this heading, not less than $5,000,000 should be made available for humanitarian, conflict mitigation, relief and recovery assistance for Chechnya, Ingushetia, and elsewhere in the North Caucasus:

SA 1236. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

ORPHANS, AND DISPLACED AND ABANDONED CHILDREN

SEC. 6113. (a) Congress—

(1) reaffirms its commitment to the founding principle of the Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption, that a child, for the full and harmonious development of the child's personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding;

(2) recognizes that each State should take, as a matter of priority, every appropriate measure to enable a child to remain in the care of the child's family of origin, but when not possible should strive to place the child in a permanent and loving home through adoption;

(3) affirms that intercountry adoption may offer the advantage of a permanent family to a child for whom a family cannot be found in the child's State of origin;

(4) affirms that long-term foster care or institutionalization are not permanent options and should therefore only be used when no other permanent options are available; and

(5) recognizes that programs that protect and support families can reduce the abandonment and exploitation of children.

(b) The funds appropriated under title III of this Act shall be made available in a manner consistent with the principles described in subsection (a).

SA 1237. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 156, line 14, strike ''activities:'' and insert the following: ''activities: *Provided further*, That of the funds appropriated under this heading, not to exceed $1,000,000 shall be made available for security measures designed to protect against the abduction of children in Uganda by the Lords Resistance Army: *Provided further*, That of the funds appropriated under this heading, not to exceed $1,000,000 shall be made available for programs to reintegrate war affected youth in Northern Uganda:''.

SA 1238. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

COMBATTING PIRACY OF UNITED STATES COPYRIGHTED MATERIALS

SEC. ___. (a) PROGRAM AUTHORIZED.—The Secretary of State may carry out a program of activities to combat piracy in countries that are not members of the Organization for Economic Cooperation and Development (OECD), including activities as follows:

(1) The provision of equipment and training for law enforcement, including in the interpretation of intellectual property laws.

(2) The provision of training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) The provision of assistance in complying with obligations under applicable international treaties and agreements on copyright and intellectual property.

(b) DISCHARGE THROUGH BUREAU OF ECONOMIC AFFAIRS.—The Secretary shall carry out the program authorized by subsection (a) through the Bureau of Economic Affairs of the Department.

(c) CONSULTATION WITH WORLD INTELLECTUAL PROPERTY ORGANIZATION.—In carrying out the program authorized by subsection (a), the Secretary shall, to the maximum extent practicable, consult with and provide assistance to the World Intellectual Property Organization in order to promote the integration of countries described in subsection (a) into the global intellectual property system.

(d) FUNDING.—Of the amount appropriated or otherwise made available by title I under the heading ''EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS'', $5,000,000 may be available in fiscal year 2006 for the program authorized by subsection (a).

SA 1239. Mr. HARKIN proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

ABUSIVE CHILD LABOR PRACTICES IN COCOA INDUSTRY

SEC. 6113. (a) Congress makes the following findings:

(1) The plight of hundreds of thousands of child slaves toiling in cocoa plantations in West Africa was reported in a series by Knight Ridder newspapers in June 2001. (global)

(2) The report found that some of these children are sold or tricked into slavery. Most of them are between the ages of 12 and 16 and some are as young as 9 years old.

(3) There are 1,500,000 farms in West Africa that produce approximately 72 percent of the total global supply of cocoa, with Cote d'Ivoire and Ghana producing about 62 percent and 22 percent, respectively, of the total cocoa production in Africa. Other key producers are Indonesia, Nigeria, Cameroon, and Brazil.

(4) United States consumers purchase over $13,000,000,000 in chocolate products annually.

(5) On September 19, 2001, representatives of the chocolate industry signed a voluntary Protocol for the Growing and Processing of Cocoa Beans and their Derivative Products in a Manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

(6) The Protocol outlines 6 steps the industry formally agreed to undertake to end abusive and forced child labor on cocoa farms by July 2005.

(7) A vital step of the Protocol was the development and implementation by the industry of a credible, transparent, and publicly accountable industry-wide certification system to ensure, by July 1, 2005, that cocoa beans and their derivative products have not been grown or processed by abusive child labor or slave labor.

(8) Since the Protocol was signed, some positive steps have been taken to address the worst forms of child labor and slave labor in cocoa growing, but the July 1, 2005, deadline for creation and implementation of the certification system was not fully met.

(b) It is the sense of Congress that—

(1) the cocoa industry is to be commended, as the Protocol agreement is the first time that an industry has accepted moral, social, and financial responsibility for the production of raw materials, wherever they are produced;

(2) the Government of the Republic of Cote d'Ivoire and the Government of the Republic of Ghana should be commended for the tangible steps they have taken to address the situation of child labor in the cocoa sector;

(3) even though the cocoa industry did not fully meet the July 1, 2005, deadline for creation and implementation of the labor certification system, it has agreed to redouble its efforts to achieve a certification system that will cover 50 percent of the cocoa growing regions of Cote d'Ivoire and Ghana by July 1, 2008;

(4) the cocoa industry should make every effort to meet this deadline in Cote d'Ivoire and Ghana and expand the certification process to other West African nations and any other country where abusive child labor and slave labor are used in the growing and processing of cocoa;

(5) an independent oversight body should be designated and supported to work with the chocolate industry, national governments, and nongovernmental organizations on the progress of the development and implementation of the certification system by July 1, 2008, through a series of public reports;

(6) the governments of West African nations that grow and manufacture cocoa should consider child labor and forced labor issues of top priorities;

(7) the Office to Monitor and Combat Trafficking in Persons of the Department of State should include information on the association between trafficking in persons and the cocoa industries of Cote d'Ivoire, Ghana, and other cocoa producing regions in the annual report on trafficking in persons that is submitted to Congress; and

(8) the Department of State should assist the Government of Cote d'Ivoire and the Government of Ghana in preventing the trafficking of persons into the cocoa fields and other industries in West Africa.

SA 1240. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, line 15, strike ''$1,166,212,000'' and insert ''$1,156,212,000''.

On page 181, line 8, strike ''$2,020,000,000'' and insert ''$2,030,000,000''.

SA 1241. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 206, strike lines 6 through 10, and insert the following:

LIMITATION ON EXPENSES

SEC. 6004. None of the funds appropriated or made available pursuant to this Act may be used for entertainment expenses of the United States Agency for International Development.

SA 1242. Mr. COBURN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 6113. Notwithstanding any other provision of this Act, none of the funds appropriated or made available pursuant to this Act may be used by the Export-Import Bank of the United States to approve an application for a long-term loan or a loan guarantee related to a nuclear project in the People's Republic of China.

SA 1243. Mr. INHOFE (for himself, Mr. SANTORUM, Ms. SNOWE, Mr. THOMAS, Mr. GRAHAM, Mr. BUNNING, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

THE UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION.

SEC. 6113. (a) FINDINGS.—Congress finds the following:

(1) The 2004 Report to Congress of the United States-China Economic and Security Review Commission states that—

(A) China's State-Owned Enterprises (SOEs) lack adequate disclosure standards, which creates the potential for United States investors to unwittingly contribute to enterprises that are involved in activities harmful to United States security interests;

(B) United States influence and vital long-term interests in Asia are being challenged by China's robust regional economic engagement and diplomacy;

(C) the assistance of China and North Korea to global ballistic missile proliferation is extensive and ongoing;

(D) China's transfers of technology and components for weapons of mass destruction (WMD) and their delivery systems to countries of concern, including countries that support acts of international terrorism, has helped create a new tier of countries with the capability to produce WMD and ballistic missiles;

(E) the removal of the European Union arms embargo against China that is currently under consideration in the European Union would accelerate weapons modernization and dramatically enhance Chinese military capabilities;

(F) China's recent actions toward Taiwan call into question China's commitments to a peaceful resolution;

(G) China is developing a leading-edge military with the objective of intimidating Taiwan and deterring United States involvement in the Strait, and China's qualitative and quantitative military advancements have already resulted in a dramatic shift in the cross-Strait military balance toward China; and

(H) China's growing energy needs are driving China into bilateral arrangements that undermine multilateral efforts to stabilize oil supplies and prices, and in some cases may involve dangerous weapons transfers.

(2) On March 14, 2005, the National People's Congress approved a law that would authorize the use of force if Taiwan formally declares independence.

(b) SENSE OF CONGRESS.—

(1) PLAN.—The President is strongly urged to take immediate steps to establish a plan to implement the recommendations contained in the 2004 Report to Congress of the United States-China Economic and Security Review Commission in order to correct the negative implications that a number of current trends in United States-China relations have for United States long-term economic and national security interests.

(2) CONTENTS.—Such a plan should contain the following:

(A) Actions to address China's policy of undervaluing its currency, including—

(i) encouraging China to provide for a substantial upward revaluation of the Chinese yuan against the United States dollar;

(ii) allowing the yuan to float against a trade-weighted basket of currencies; and

(iii) concurrently encouraging United States trading partners with similar interests to join in these efforts.

(B) Actions to make better use of the World Trade Organization (WTO) dispute settlement mechanism and applicable United States trade laws to redress China's unfair trade practices, including China's exchange rate manipulation, denial of trading and distribution rights, lack of intellectual property rights protection, objectionable labor standards, subsidization of exports, and forced technology transfers as a condition of doing business. The United States Trade Representative should consult with our trading partners regarding any trade dispute with China.

(C) Actions to encourage United States diplomatic efforts to identify and pursue initiatives to revitalize United States engagement with China's Asian neighbors. The initiatives should have a regional focus and complement bilateral efforts. The Asia-Pacific Economic Cooperation forum (APEC) offers a ready mechanism for pursuit of such initiatives.

(D) Actions by the administration to hold China accountable for proliferation of prohibited technologies and to secure China's agreement to renew efforts to curtail North Korea's commercial export of ballistic missiles.

(E) Actions to encourage the creation of a new United Nations framework for monitoring the proliferation of WMD and their delivery systems in conformance with member nations' obligations under the Nuclear Non-Proliferation Treaty, the Biological Weapons Convention, and the Chemical Weapons Convention. The new monitoring body should be delegated authority to apply sanctions to countries violating these treaties in a timely manner, or, alternatively, should be required to report all violations in a timely manner to the Security Council for discussion and sanctions.

(F) Actions by the administration to conduct a fresh assessment of the ''One China'' policy, given the changing realities in China and Taiwan. This should include a review of—

(i) the policy's successes, failures, and continued viability;

(ii) whether changes may be needed in the way the United States Government coordinates its defense assistance to Taiwan, including the need for an enhanced operating relationship between United States and Taiwan defense officials and the establishment of a United States-Taiwan hotline for dealing with crisis situations;

(iii) how United States policy can better support Taiwan's breaking out of the international economic isolation that China seeks to impose on it and whether this issue

should be higher on the agenda in United States-China relations; and

(iv) economic and trade policy measures that could help ameliorate Taiwan's marginalization in the Asian regional economy, including policy measures such as enhanced United States-Taiwan bilateral trade arrangements that would include protections for labor rights, the environment, and other important United States interests.

(G) Actions by the Secretaries of State and Energy to consult with the International Energy Agency with the objective of upgrading the current loose experience-sharing arrangement, whereby China engages in some limited exchanges with the organization, to a more structured arrangement whereby China would be obligated to develop a meaningful strategic oil reserve, and coordinate release of stocks in supply-disruption crises or speculator-driven price spikes.

(H) Actions by the administration to develop and publish a coordinated, comprehensive national policy and strategy designed to meet China's challenge to maintaining United States scientific and technological leadership and competitiveness in the same way the administration is presently required to develop and publish a national security strategy.

(I) Actions to revise the law governing the Committee on Foreign Investment in the United States (CFIUS), including expanding the definition of national security to include the potential impact on national economic security as a criterion to be reviewed, and transferring the chairmanship of CFIUS from the Secretary of the Treasury to a more appropriate executive branch agency.

(J) Actions by the President and the Secretaries of State and Defense to press strongly their European Union counterparts to maintain the EU arms embargo on China.

(K) Actions by the administration to restrict foreign defense contractors, who sell sensitive military use technology or weapons systems to China, from participating in United States defense-related cooperative research, development, and production programs. Actions by the administration may be targeted to cover only those technology areas involved in the transfer of military use technology or weapons systems to China. The administration should provide a comprehensive annual report to the appropriate committees of Congress on the nature and scope of foreign military sales to China, particularly sales by Russia and Israel.

(L) Any additional actions outlined in the 2004 Report to Congress of the United States-China Economic and Security Review Commission that affect the economic or national security of the United States.

SA 1244. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

ECONOMIC AND ENERGY SECURITY

SEC. 6113. Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking ''The President'' and inserting ''(1) IN GENERAL.—The President'';

(C) by inserting '', including national economic and energy security,'' after ''national security'';

(D) by adding at the end the following new paragraph:

''(2) NOTICE AND WAIT REQUIREMENT.—

''(A) NOTIFICATION OF APPROVAL.—The President shall notify the appropriate congressional committees of each approval of any proposed merger, acquisition, or takeover that is investigated under paragraph (1).

''(B) JOINT RESOLUTION OBJECTING TO TRANSACTION.—

''(i) DELAY PENDING CONSIDERATION OF RESOLUTION.—A transaction described in subparagraph (A) may not be consummated until 10 legislative days after the President provides the notice required under such subparagraph. If a joint resolution objecting to the proposed transaction is introduced in either House of Congress by the chairman of one of the appropriate congressional committees during such period, the transaction may not be consummated until 30 legislative days after such resolution.

''(ii) DISAPPROVAL UPON PASSAGE OF RESOLUTION.—If a joint resolution introduced under clause (i) is agreed to by both Houses of Congress, the transaction may not be consummated.'';

(E) in paragraph (1)(B) (as so designated by this paragraph), by striking ''shall'';

(2) in subsection (d), by striking ''subsection (d)'' and inserting ''subsection (e)'';

(3) in subsection (e), by striking ''subsection (c)'' and inserting ''subsection (d)'';

(4) in subsection (f)(3), by inserting '', including national economic and energy security,'' after ''national security'';

(5) in subsection (g)—

(A) by striking ''REPORT TO THE CONGRESS'' in the heading and inserting ''REPORTS TO CONGRESS'';

(B) by striking ''The President'' and inserting the following: ''(1) REPORTS ON DETERMINATIONS.—The President'';

(C) by adding at the end the following new paragraph:

''(2) REPORTS ON CONSIDERED TRANSACTIONS.—

''(A) IN GENERAL.—The President or the President's designee shall transmit to the appropriate congressional committees on a monthly basis a report containing a detailed summary and analysis of each transaction the consideration of which was completed by the Committee on Foreign Acquisitions Affecting National Security since the most recent report.

''(B) CONTENT.—Each report submitted under subparagraph (A) shall include—

''(i) a description of all of the elements of each transaction; and

''(ii) a description of the standards and criteria used by the Committee to assess the impact of each transaction on national security.

''(C) FORM.—The reports submitted under subparagraph (A) shall be submitted in both classified and unclassified form, and company proprietary information shall be appropriately protected.''; and

(D) by striking ''of this Act'';

(6) in subsection (k)—

(A) by striking ''QUADRENNIAL'' in the heading and inserting ''ANNUAL''; and

(B) in paragraph (1)—

(i) by striking ''upon the expiration of every 4 years'' and inserting ''annually'';

(ii) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following new subparagraph:

''(C) evaluates the cumulative effect on national security of foreign investment in the United States.''; and

(7) by adding at the end the following new subsections:

''(l) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

''(2) the Committee on Financial Services, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

''(m) DESIGNEE.—Notwithstanding any other provision of law, the designee of the President for purposes of this section shall be known as the 'Committee on Foreign Acquisitions Affecting National Security', and such committee shall be chaired by the Secretary of Defense.''.

SA 1245. Ms. LANDRIEU proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326, between lines 10 and 11, insert the following:

ORPHANS, AND DISPLACED AND ABANDONED CHILDREN

SEC. 6113. (a) Congress—

(1) reaffirms its commitment to the founding principle of the Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption, that a child, for the full and harmonious development of the child's personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding;

(2) recognizes that each State should take, as a matter of priority, every appropriate measure to enable a child to remain in the care of the child's family of origin, but when not possible should strive to place the child in a permanent and loving home through adoption;

(3) affirms that intercountry adoption may offer the advantage of a permanent family to a child for whom a family cannot be found in the child's State of origin;

(4) affirms that long-term foster care or institutionalization are not permanent options and should therefore only be used when no other permanent options are available; and

(5) recognizes that programs that protect and support families can reduce the abandonment and exploitation of children.

(b) The funds appropriated under title III of this Act shall be made available in a manner consistent with the principles described in subsection (a).

SA 1246. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326 between lines 10 and 11 insert the following:

EXPORT-IMPORT BANK

SEC. 6113. None of the funds made available in this Act may be used by the Export-Import Bank of the United States to approve or administer a loan or guarantee, or an application for a loan or guarantee, for a facility which would add value to a commodity and make that commodity competitive with a like commodity produced in the United States.

SA 1247. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326 between lines 10 and 11 insert the following:

EXPORT-IMPORT BANK

SEC. 6113. None of the funds made available in this Act may be used by the Export-Import Bank of the United States to extend credit or financial guarantees for the development, or for the increase in capacity, of an ethanol dehydration plant in Trinidad and Tobago.

SA 1248. Mr. MCCONNELL (for Mr. LIEBERMAN (for himself, Mr. BROWNBACK, and Mr. KENNEDY)) proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 189, line 14, strike the period at the end and insert '': *Provided further*, That funds appropriated under this heading should be made available to develop effective responses to protracted refugee situations, including the development of programs to assist long-term refugee populations within and outside traditional camp settings that support refugees living or working in local communities such as integration of refugees into local schools and services, resource conservation projects and other projects designed to diminish conflict between refugee hosting communities and refugees, and encouraging dialogue among refugee hosting communities, the United Nations High Commissioner for Refugees, and international and nongovernmental refugee assistance organizations to promote the rights to which refugees are entitled under the Convention Relating to the Status of Refugees of July 28, 1951 and the Protocol Relating to the Status of Refugees, done at New York January 31, 1967.''.

SA 1249. Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 303, line 17, strike ''a commitment to a clear timetable for the return to democratic representative'' and insert in lieu thereof:

, through dialogue with Nepal's political parties, a commitment to a clear timetable for the return to multi-party, democratic

On page 303, line 21, strike ''Royal'' and everything thereafter through ''process'' on line 25 and insert in lieu thereof:

Commission for Investigation of Abuse of Authority is receiving adequate support to effectively implement its anti-corruption mandate and that no other anti-corruption body is functioning in violation of the 1990 Nepalese Constitution or international standards of due process

On page 304, line 6, strike ''ensuring'' and insert in lieu thereof: ''restoring''.

SA 1250. Mr. GRASSLEY (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326 between lines 10 and 11 insert the following:

EXPORT-IMPORT BANK

SEC. 6113. None of the funds made available in this Act may be used by the Export-Import Bank of the United States to approve or administer a loan or guarantee, or an application for a loan or guarantee, for the development, or for the increase in capacity, of an ethanol dehydration plant in Trinidad and Tobago.

SA 1251. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 140, line 9, after ''Service,'' insert ''including assistance to United States citizens who are victims of crimes in foreign countries, including payment of emergency services (including medical and travel expenses), travel to and from judicial proceedings, the shipment of remains, and the repatriation of victims of domestic violence or child abuse,''

SA 1252. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

SEC. 6113. PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE FOR INDIVIDUALS AFFECTED BY A HUMANITARIAN EMERGENCY.

(a) Not less than $10,000,000 of the amount made available in title III under the heading ''Migration and Refugee Assistance'' and $5,000,000 of the amount made available in title III under the heading ''International Disaster and Famine Assistance'' should be made available to provide assistance for programs, projects, and activities—

(1) to promote the security, provide equal access to basic services, and safeguard the legal and human rights of civilians, especially women and children, who are affected by a humanitarian emergency, including programs to build the capacity of nongovernmental organizations to address the special protection needs of vulnerable populations, especially such women and children;

(2) to support local and international nongovernmental initiatives to prevent, detect, and report exploitation of children and sexual exploitation and abuse, including through the provision of training humanitarian protection monitors for refugees and internally displaced persons; and

(3) to conduct protection and security assessments for refugees and internally displaced persons in camps or in communities for the purpose of improving the design and security of camps for refugees and internally displaced persons, with special emphasis on the security of women and children.

(b) None of the funds made available for foreign operations, export financing, and related programs under the headings ''Migration and Refugee Assistance'', ''United States Emergency Refugee and Migration Assistance Fund'', ''International Disaster and Famine Assistance'', or ''Transition Initiatives'' may be obligated to an organization that fails to adopt a code of conduct that provides for the protection of beneficiaries of assistance under any such heading from sexual exploitation and abuse in humanitarian relief operations.

(c) The code of conduct referred to in subsection (b) shall, to the maximum extent practicable, be consistent with the following six core principles of the Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises, as follows:

(1) Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.

(2) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.

(3) Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior, is prohibited. This includes exchange of assistance that is due to beneficiaries.

(4) Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.

(5) Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, the worker must report such concerns via established agency reporting mechanisms.

(6) Humanitarian agencies are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

SA 1253. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

REPORT ON ANTI-RETROVIRAL DRUG PROCUREMENT

SEC. 6113. (a) Not later than 90 days after the date of enactment of this Act, the Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall make available to the public a report setting forth the amount of United States funding provided under the authorities of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.), or under an amendment made to that Act, to procure anti-retroviral drugs in a country described in section 1(f)(2)(B)(VII) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)(B)(VII)). The report shall include a detailed description of the anti-retroviral drugs procured, including—

(1) the amount expended for generic and for name brand anti-retroviral drugs;

(2) the price paid per unit of each such drug; and

(3) the vendor from which such drugs were purchased.

(b) Not later than January 31 of each year, the Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall update the report required by subsection (a) and make such updates available to the public.

SA 1254. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

SUPPORT FOR DEMOCRACY AND GOVERNANCE ACTIVITIES IN ZIMBABWE

SEC. 6113. (a) Of the amounts made available for fiscal year 2006 to carry out chapters 1 and 10 of part II of the Foreign assistance Act of 1961 and chapter 4 of part II of such Act, not less than $6,000,000 shall be made available to support democracy and governance activities in Zimbabwe consistent with the provisions of the Zimbabwe Democracy and Economic Recovery Act of 2001 (Public Law 107–99; 22 U.S.C. 2151 note).

(b) Assistance may be provided under this section for activities such as—

(1) capacity-building for civil society organizations in Zimbabwe to effectively provide information on the political process to citizens;

(2) defending the legal rights of minorities, women, and children in Zimbabwe;

(3) documenting the level of adherence by the Government of Zimbabwe to national and international civil and human rights standards;

(4) monitoring and reporting on the electoral process in Zimbabwe;

(5) training for political parties in Zimbabwe related to organizational capacity-building; and

(6) supporting free and independent media outlets in Zimbabwe.

SA 1255. Mr. FEINGOLD (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

OVERSIGHT OF IRAQ RECONSTRUCTION

SEC. 6113. (a) Subsection (o) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234; 5 U.S.C. App. 3 section 8G note), as amended by section 1203(j) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2081), is amended by striking ''obligated'' and inserting ''expended''.

(b) Of the amount appropriated in chapter 2 of title II of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1224) under the heading ''**OTHER BILATERAL ECONOMIC ASSISTANCE**'' and under the subheading ''**IRAQ RELIEF AND RECONSTRUCTION FUND**'', $50,000,000 of unobligated funds shall be made available to carry out section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234), as amended by section 1203 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2081).

SA 1256. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Oil and natural gas resources are strategic assets critical to national security and the Nation's economic prosperity.

(2) The National Security Strategy of the United States approved by President George W. Bush on September 17, 2002, concludes that the People's Republic of China remains strongly committed to national one-party rule by the Communist Party.

(3) On June 23, 2005, the China National Offshore Oil Corporation Limited (CNOOC), announced its intent to acquire Unocal Corporation, in the face of a competing bid for Unocal Corporation from Chevron Corporation.

(4) The People's Republic of China owns approximately 70 percent of CNOOC.

(5) A significant portion of the CNOOC acquisition is to be financed and heavily subsidized by banks owned by the People's Republic of China.

(6) Unocal Corporation is based in the United States, and has approximately 1,750,000,000 barrels of oil equivalent, with its core operating areas in Southeast Asia, Alaska, Canada, and the lower 48 States.

(7) A CNOOC acquisition of Unocal Corporation would result in the strategic assets of Unocal Corporation being preferentially allocated to China by the Chinese Government.

(8) A Chinese Government acquisition of Unocal Corporation would weaken the ability of the United States to influence the oil and gas supplies of the Nation through companies that must adhere to United States laws.

(9) As a de facto matter, the Chinese Government would not allow the United States Government or United States investors to acquire a controlling interest in a Chinese energy company.

SEC. 2. PROHIBITION ON SALE OF UNOCAL TO CNOOC.

Notwithstanding any other provision of law, the merger, acquisition, or takeover of Unocal Corporation by CNOOC is prohibited.

SA 1257. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 200, line 19, after the colon insert ''*Provided further*, That of the funds appropriated under this heading, not less than $1,300,000,000 shall be available for assistance for Egypt:''.

SA 1258. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

NUCLEAR NON-PROLIFERATION TREATY

SEC. 6113. (a) Congress makes the following findings:

(1) The Treaty on the Non-proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (in this section referred to as the ''Nuclear Non-Proliferation Treaty''), codifies one of the most important international security arrangements in the history of arms control, the arrangement by which states without nuclear weapons pledge not to acquire them, states with nuclear weapons commit to eventually eliminate them, and nonnuclear states are allowed to use for peaceful purposes nuclear technology under strict and verifiable control.

(2) The Nuclear Non-Proliferation Treaty is one of the most widely supported multilateral agreements, with 188 countries adhering to the Treaty.

(3) The Nuclear Non-proliferation Treaty has encouraged many countries to officially abandon nuclear weapons or nuclear weapons programs, including Argentina, Belarus, Brazil, Kazakhstan, Libya, South Africa, South Korea, Ukraine, and Taiwan.

(4) At the 1995 NPT Review and Extension Conference, the states-parties agreed to extend the Nuclear Non-Proliferation Treaty indefinitely, to reaffirm the principles and objectives of the Treaty, to strengthen the Treaty review process, and to implement further specific and practical steps on non-proliferation and disarmament.

(5) At the 2000 NPT Review Conference, the states-parties agreed to further practical steps on non-proliferation and disarmament.

(6) President George W. Bush stated on March 7, 2005, that ''the NPT represents a key legal barrier to nuclear weapons proliferation and makes a critical contribution to international security,'' and that ''the United States is firmly committed to its obligations under the NPT''.

(7) The International Atomic Energy Agency (IAEA) is responsible for monitoring compliance with safeguard agreements pursuant to the Nuclear Non-Proliferation Treaty and reporting safeguard violations to the United Nations Security Council.

(8) Presidents George W. Bush and Vladimir Putin stated on February 24, 2005, that ''[w]e bear a special responsibility for the security of nuclear weapons and fissile material in order to ensure that there is no possibility such weapons or materials would fall into terrorist hands''.

(9) Article IV of the Nuclear Non-Proliferation Treaty calls for the fullest possible exchange of equipment and materials for peaceful nuclear endeavors and allows states to acquire sensitive technologies to produce nuclear fuel for energy purposes but also recognizes that such fuel could be used to secretly produce fissile material for nuclear weapons programs or quickly produce such material if the state were to decide to withdraw from the Treaty.

(10) The Government of North Korea ejected international inspectors from that country in 2002, announced its withdrawal from the Nuclear Non-Proliferation Treaty in 2003, has recently declared its possession of nuclear weapons, and is in possession of facilities capable of producing additional nuclear weapons-usable material.

(11) The Government of Iran has pursued an undeclared program to develop a uranium enrichment capacity, repeatedly failed to

fully comply with and provide full information to the IAEA regarding its nuclear activities, and stated that it will not permanently abandon its uranium enrichment program which it has temporarily suspended through an agreement with the European Union.

(12) The network of arms traffickers associated with A.Q. Khan has facilitated black-market nuclear transfers involving several countries, including Iran, Libya, and North Korea, and represents a new and dangerous form of proliferation.

(13) Governments should cooperate to control exports of and interdict illegal transfers of sensitive nuclear and missile-related technologies to prevent their proliferation.

(14) The United Nations Secretary-General's High-Level Panel on Threats, Challenges and Change concluded that ''[a]lmost 60 States currently operate or are constructing nuclear power or research reactors, and at least 40 possess the industrial and scientific infrastructure which would enable them, if they chose, to build nuclear weapons at relatively short notice if the legal and normative constraints of the Treaty regime no longer apply,'' and warned that ''[w]e are approaching a point at which the erosion of the non-proliferation regime could become irreversible and result in a cascade of proliferation''.

(15) Stronger international support and cooperation to achieve universal compliance with tighter nuclear non-proliferation rules and standards constitute essential elements of nuclear non-proliferation efforts.

(16) Sustained leadership by the United States Government is essential to help implement existing legal and political commitments established by the Nuclear Non-Proliferation Treaty and to realize a more robust and effective global nuclear non-proliferation system.

(17) The governments of the United States and other countries should pursue a comprehensive and balanced approach to strengthen the global nuclear non-proliferation system.

(b) Congress—

(1) reaffirms its support for the objectives of the Nuclear Non-Proliferation Treaty and expresses its support for all appropriate measures to strengthen the Treaty and to attain its objectives; and

(2) calls on all parties to the Nuclear Non-Proliferation Treaty—

(A) to insist on strict compliance with the non-proliferation obligations of the Nuclear Non-Proliferation Treaty and to undertake effective enforcement measures against states that are in violation of their Article I or Article II obligations under the Treaty;

(B) to agree to establish more effective controls on sensitive technologies that can be used to produce materials for nuclear weapons;

(C) to expand the ability of the International Atomic Energy Agency to inspect and monitor compliance with non-proliferation rules and standards to which all states should adhere through existing authority and the additional protocols signed by the states party to the Nuclear Non-Proliferation Treaty;

(D) to demonstrate the international community's unified opposition to a nuclear weapons program in Iran by—

(i) supporting the efforts of the United States and the European Union to prevent the Government of Iran from acquiring a nuclear weapons capability; and

(ii) using all appropriate diplomatic and other means at their disposal to convince the Government of Iran to abandon its uranium enrichment program;

(E) to strongly support the ongoing United States diplomatic efforts in the context of the six-party talks that seek the verifiable and incontrovertible dismantlement of North Korea's nuclear weapons programs and to use all appropriate diplomatic and other means to achieve this result;

(F) to pursue diplomacy designed to address the underlying regional security problems in Northeast Asia, South Asia, and the Middle East, which would facilitate non-proliferation and disarmament efforts in those regions;

(G) to accelerate programs to safeguard and eliminate nuclear weapons-usable material to the highest standards to prevent access by terrorists and governments;

(H) to halt the use of highly enriched uranium in civilian reactors;

(I) to strengthen national and international export controls and relevant security measures as required by United Nations Security Council Resolution 1540;

(J) to agree that no state may withdraw from the Nuclear Non-Proliferation Treaty and escape responsibility for prior violations of the Treaty or retain access to controlled materials and equipment acquired for ''peaceful'' purposes;

(K) to accelerate implementation of disarmament obligations and commitments under the Nuclear Non-Proliferation Treaty for the purpose of reducing the world's stockpiles of nuclear weapons and weapons-grade fissile material; and

(L) to strengthen and expand support for the Proliferation Security Initiative.

SA 1259. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

ANNUAL REPORT ON THE RED CROSS

SEC. 6113. (a) ANNUAL REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall, with the concurrence of the Secretary of Defense, submit to Congress the following:

(1) A report on the activities and management of the International Committee of the Red Cross (ICRC) meeting the requirements set forth in subsection (b).

(2) A report on the activities and management of the American Red Cross meeting the requirements set forth in subsection (c).

(b) ELEMENTS OF REPORTS ON ICRC.—(1) Each report under subsection (a)(1) shall include, for the one-year period ending on the date of such report, the following:

(A) A description of the contributions of the United States, and of any other country, to the International Committee of the Red Cross.

(B) A detailed description of the allocations of the funds available to the International Committee of the Red Cross to international relief activities and international humanitarian law activities as defined by the International Committee and by the Geneva Conventions.

(C) A description of how United States contributions to the International Committee of the Red Cross are allocated to the activities described in subparagraph (B).

(D) The nationality of each Assembly member, Assembly Council member, and Directorate member of the International Committee of the Red Cross, and the annual salary of each.

(E) A description of any activities of the International Committee of the Red Cross to the determine the status of United States prisoners of war (POWs) or missing in action (MIAs) who remain unaccounted for.

(F) A description of the efforts of the International Committee of the Red Cross to assist United States prisoners of war.

(G) A description of any expression of concern by the Department of State, or any other department or agency of the Executive Branch, that the International Committee of the Red Cross, or any organization or employee of the International Committee, exceeded the mandate of the International Committee, violated established principles or practices of the International Committee, interpreted differently from the United States any international law or treaty to which the United States is a state-party, or engaged in advocacy work that exceeded the mandate of the International Committee under the Geneva Conventions.

(2) The first report under subsection (a)(1) shall include, in addition to the matters specified in paragraph (1) the following:

(A) The matters specified in subparagraphs (A) and (G) of paragraph (1) for the period beginning on January 1, 1990, and ending on the date of the enactment of this Act.

(B) The matters specified in subparagraph (E) of paragraph (1) for the period beginning on January 1, 1947, and ending on the date of the enactment of this Act.

(C) The matters specified in subparagraph (F) of paragraph (1) during each of the Korean conflict, the Vietnam era, and the Persian Gulf War.

(c) ELEMENTS OF REPORTS ON ARC.—Each report under subsection (a)(2) shall include, for the one-year period ending on the date of such report, the following:

(1) A description of the role, mission, and activities of the American Red Cross.

(2) A description of the contributions of the United States to the American Red Cross.

(3) A description of the relationship of the American Red Cross with the International Committee of the Red Cross.

(d) DEFINITIONS.—In this section:

(1) The term ''Geneva Conventions'' means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(2) The terms ''Korean conflict'', ''Vietnam era'', and ''Persian Gulf War'' have the meaning given such terms in section 101 of title 38, United States Code.

SA 1260. Mr. SANTORUM (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

TRANSFER OF FUNDS

SEC. 6113. Of the funds appropriated in title III for Other Bilateral Economic Assistance under the heading ''ECONOMIC SUPPORT

FUND'', $100,000,000 shall be transferred to and merged with funds made available in title III for the United States Agency for International Development for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria under the heading ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND. The funds made available for contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria in this section shall not be available for obligation prior to September 30, 2006.''.

SA 1261. Mrs. CLINTON (for herself, Mr. CHAFEE, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 274, between lines 7 and 8, insert the following new subsection:

(e) USE OF FUNDS.—None of the funds made available for the UNFPA in this section may be used for any purpose except—

(1) to provide and distribute equipment, medicine, and supplies, including safe delivery kits and hygiene kits, to ensure safe childbirth and emergency obstetric care;

(2) to prevent and treat cases of obstetric fistula;

(3) to make available supplies of contraceptives for the prevention of pregnancy and sexually transmitted infections, including HIV/AIDS;

(4) to reestablish maternal health services in areas where medical infrastructure and such services have been destroyed by natural disasters;

(5) to eliminate the practice of female genital mutilation; or

(6) to promote the access of unaccompanied women and other vulnerable people to vital services, including access to water, sanitation facilities, food, and health care.

SA 1262. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, line 15, strike the period at the end and insert '': *Provided further*, That of the funds appropriated under this heading, not less than $10,000,000 shall be made available for law enforcement programs to combat the prevalence of violent gangs in Guatemala, Honduras, and El Salvador.''.

SA 1263. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

INTERNATIONAL POLICE TRAINING

SEC. 6113. (a) REQUIREMENTS FOR INSTRUCTORS.—Prior to carrying out any program of training for police or security forces through the Bureau that begins after the date that is 180 days after the date of the enactment of this Act, the Secretary of State shall ensure that—

(1) such training is provided by instructors who have proven records of experience in training law enforcement or security personnel;

(2) the Bureau has established procedures to ensure that the individuals who receive such training—

(A) do not have a criminal background;

(B) are not connected to any criminal or terrorist organization;

(C) are not connected to drug traffickers; and

(D) meet the minimum age and experience standards set out in appropriate international agreements; and

(3) the Bureau has established procedures that—

(A) clearly establish the standards an individual who will receive such training must meet;

(B) clearly establish the training courses that will permit the individual to meet such standards; and

(C) provide for certification of an individual who meets such standards after receiving such training.

(b) ADVISORY BOARD.—The Secretary of State shall establish an advisory board of 10 experts to advise the Bureau on issues related to cost efficiency and professional efficacy of police and security training programs. The board shall have not less than 5 members who are experienced United States law enforcement personnel.

(c) BUREAU DEFINED.—In this section, the term ''Bureau'' means the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State.

(d) REPORT.—Not later than September 30, 2006, the Secretary of State shall submit to Congress a report on the training for international police or security forces conducted by the Bureau during fiscal year 2006. Such report shall include the attrition rates of the instructors of such training and indicators of job performance of such instructors.

SA 1264. Mr. OBAMA (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, line 6 after ''Nepal:'' insert the following:

Provided further, That of funds appropriated under this heading, $13,000,000 should be made available for a United States contribution to the Special Court for Sierra Leone:

SA 1265. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

COOPERATION WITH CUBA

SEC. 6113. (a) No funds may be made available under this title under the heading ''COOPERATION WITH CUBA ON COUNTER-NARCOTICS MATTERS''.

(b) Of the amount appropriated by title III under the heading ''INTERNATIONAL DISASTER AND FAMINE ASSISTANCE'' up to $5,000,000 may be used for humanitarian aid and disaster relief relating to hurricane damage for the people of Cuba: *Provided*, That such amounts shall be administered by the United States Interest Section in Cuba.

SA 1266. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 307, strike line 15 and all that follows through page 308, line 10.

SA 1267. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

COOPERATION WITH CUBA

SEC. 6113. Of the amount appropriated by title III under the heading ''INTERNATIONAL DISASTER AND FAMINE ASSISTANCE'' up to $5,000,000 may be made available for humanitarian aid and disaster relief relating to hurricane damage for the people of Cuba: *Provided*, That such amounts shall be administered by the United States Interest Section in Cuba.

SA 1268. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

TRANSFER OF CERTAIN INTEREST FOR EGYPT

SEC. 6113. For fiscal year 2006, any interest earned from amounts in an interest bearing account for Egypt to which funds made available under title IV of this Act are disbursed shall be transferred to, and consolidated with, amounts made available under the heading ''ECONOMIC SUPPORT FUND'' for democracy and governance programs in Egypt.

SA 1269. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 307, line 17, strike ''subsection (b)'' and insert ''subsections (b) and (c)''.

On page 308, between lines 10 and 11, insert the following:

(c) None of the funds appropriated by subsection (a) shall be available if Cuba is designated a state sponsor of terrorism.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that the

hearing previously scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources on Wednesday, July 20, 2005, at 2:30 p.m. has been rescheduled for 2 p.m. the same day.

The hearing will be held in Room SD–366 of the Dirksen Senate Office Building.

For further information, please contact Frank Gladics 202–224–2878, Dick Bouts 202–224–7545, or Amy Millet at 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, July 18, 2005 at 2:30 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Monday, July 18, 2005, at 2 p.m. to consider the nominations of Richard L. Skinner to be Inspector General of the U.S. Department of Homeland Security and Brian David Miller to be Inspector General of the General Services Administration and, immediately following the hearing, to consider the nomination of Edmund S. Hawley to be Assistant Secretary of the U.S. Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Jennifer Park, a professional staff member on the Committee on Appropriations, be given floor privileges for the duration of the consideration of the State, Foreign Operations appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Steven Neve and Hanna Garth of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that privileges of the floor be granted to David Dorsey during consideration of the nomination of Lester Crawford to be FDA Commissioner.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 18

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 11 a.m. in the morning on Tuesday, the Senate proceed to the consideration of S.J. Res. 18, the Burma import restrictions bill, the joint resolution be read a third time and placed back on the Senate calendar. I further ask consent that the Senate then proceed to the immediate consideration of H.J. Res. 52, the House-passed Burma resolution, and there then be 1 hour and 20 minutes for debate, with the following Senators in control of the time: myself, 20 minutes; Senator BAUCUS, 20 minutes; Senator FEINSTEIN, 20 minutes; Senator LAUTENBERG, 20 minutes. I further ask consent that following the use or yielding back of time, the joint resolution be read a third time and the Senate proceed to a vote on the resolution with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING APPOINTMENT OF COMMITTEE TO ESCORT HIS EXCELLENCY, DR. MANMOHAN SINGH

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort his Excellency, Dr. Manmohan Singh, the Prime Minister of India, into the House Chamber for a joint meeting tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF LEGAL COUNSEL

Mr. MCCONNELL. I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 199, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 199) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has received requests from various law enforcement and regulatory agencies, and other Government entities, both here and abroad, seeking access to records that the Subcommittee obtained during its investigation into the United Nations ''Oil-for-Food'' Programme.

This resolution would authorize the chairman and ranking minority member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the subcommittee in the course of its investigation, in response to these requests.

Mr. MCCONNELL. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statement relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 199) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 199

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has been conducting an investigation into the United Nations ''Oil-for-Food'' Programme;

Whereas, the Subcommittee has received a number of requests from law enforcement officials, regulatory agencies, and other governmental entities for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence, under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into the United Nations ''Oil-for-Food'' Programme.

HONORING JACK ST. CLAIR KILBY

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 200, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 200) honoring the life of Nobel Laureate Jack St. Clair Kilby, inventor of the integrated circuit and innovative leader in the Information Age.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CORNYN. Mr. President, I rise today to say a few words about one of the greatest inventors—one of the most important innovators—in American history.

One of America's greatest assets is the innovation and creativity of its inventors, scientists, and artists. Many of our most famous inventors have long been household names—well-known Americans such as Thomas Jefferson, Thomas Edison, Alexander Graham Bell, and the Wright Brothers. These, and many other inventors, captured the imagination of a public rooted in the Industrial Age, through ideas which produced the telephone, the

automobile, the airplane—all inventions we now consider indispensable items.

We now find ourselves in the initial stages of a new revolution—the Information Age. The rapid growth and development of information technology literally changes our lives by the second. This is an exciting time, and we have only just seen the beginning of this age.

However, the pioneers of today don't roll off the tongue like those from years past. While some high-profile corporate leaders such as Bill Gates, Michael Dell, and other technology entrepreneurs come to mind, there are many unsung heroes without whom we may never have known the modern computer, the cell phone, or high-definition TV.

One of these unsung heroes is Jack St. Clair Kilby, who passed away June 20, 2005, at 81 years of age. You see, a little less than 50 years ago, Mr. Kilby invented something called the integrated circuit. Today, we would refer to it as the microchip. The integrated circuit, or early microchip, spawned the Information Age and has made so much of the modern world as we know it today possible.

Prior to Kilby's breakthrough, engineers were grappling with how to build better electronic circuits. At the time, transistors had replaced vacuum tubes—a major advancement—but electronic devices were still composed of hundreds or thousands of discrete components which were connected to thousands of wires. The challenge was to find a cost-effective, reliable way of producing the components and connecting them.

Kilby approached the problem in a completely novel way, making all the components of a single material. The device consisted of a single transistor and a few other components combined on a slice of germanium smaller than a paper clip. For context, today an integrated circuit smaller than a penny can hold 125 million transistors.

From this first simple circuit has grown a worldwide integrated circuit market whose sales in 2004 totaled $179 billion. These components supported a 2004 worldwide electronic end-equipment market of $1.186 trillion. This technology has affected every known industry in the world in some form or fashion—healthcare, education, transportation, manufacturing, entertainment—and has made IT products more accessible and more affordable for the common man.

Jack Kilby enjoyed the admiration and respect of his colleagues and others throughout the industry. Texas Instruments Chairman Tom Engibous said of Kilby:

In my opinion, there are only a handful of people whose works have truly transformed the world and the way we live in it—Henry Ford, Thomas Edison, the Wright Brothers and Jack Kilby. If there was ever a seminal invention that transformed not only our industry but our world, it was Jack's invention of the first integrated circuit.

Jack St. Clair Kilby was born November 8, 1923, in Jefferson City, MO, and moved as a young child to Great Bend, KS, where he was raised and which he considered his hometown. His interest in electronics, radio technology in particular, was inspired by an experience in high school when an ice storm knocked down most of the telephone and power lines in a wide area in rural Kansas. His father, who ran a small electric company, worked with amateur radio operators to locate the areas that had been hit and to coordinate the provision of electrical service.

Kilby served his country in the U.S. Army during World War II, where he was assigned to a radio repair shop at an outpost on a tea plantation in northeast India and later performed similar work in the field. He studied electrical engineering at the University of Illinois both before and after the war, earning a bachelor's degree in 1947. Like many of his generation, Mr. Kilby put his personal life on hold to serve his country.

After working obtaining a masters degree from the University of Wisconsin in 1950, Kilby joined Texas Instruments in Dallas in 1958 where he developed the first monolithic integrated circuit. He presented this invention to colleagues and tested it on September 12, 1958, and within 4 years, TI won the first major integrated circuit contract to design and build special circuits for the Minuteman missile project.

Kilby enjoyed a productive career at TI, where he held several management positions, including assistant vice president and director of engineering and technology for the Components Group. But more importantly, he created or helped to create some 60 patentable items, including the invention of the first hand-held calculator, which, in conjunction with his microchip design, initiated the early development of computers and was one of the first public introductions to digital electronics.

Kilby was widely recognized for his work. Most notably, he was awarded the Nobel Prize for Physics in 2000. In addition, he won the National Medal of Science and the National Medal of Technology. Finally, a prestigious international award, the Kilby International Awards, bears his name.

He passed away on June 20, 2005, at the age of 81 after a brief battle with cancer. His wife and sister preceded him in death. He is survived by two daughters, five granddaughters, and a son-in-law. Likewise, he leaves behind countless friends, colleagues, and admirers.

In addition to his enormous contribution to science and technology, Mr. Kilby was known as a gentle and humble man who was tirelessly dedicated to his family and passionate about finding practical solutions to real problems. He loved to work with young students and engineers. He served as distinguished professor of electrical engineering from 1978 to 1984 at Texas A&M University, where he was able to share his experience, insight, and passion for research with students. He took an active interest in and consistently was available to young engineers, even young high school and grade school students who asked to interview him about his work. Certainly he hoped to inspire these young people.

His contributions to science as well as his generosity and thoughtfulness were lessons for us all.

Mr. President, I introduce a senate resolution honoring the life of Nobel Laureate Jack St. Clair Kilby, inventor of the integrated circuit and long-time engineer for Texas Instruments, to commend his work and tremendous contribution to the electronics industry and to the transformation of the global economy to the Information Age. I ask that my colleagues join me in supporting this resolution.

Mr. MCCONNELL. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 200) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 200

Whereas in July 1958, Mr. Kilby, as a young engineer, resolved a long-standing engineering problem, known as the ''tyranny of numbers'', which prevented engineers from simply and reliably interconnecting electronic components to form circuits by developing the first working integrated circuit;

Whereas on September 12, 1958, Mr. Kilby demonstrated the first working integrated circuit for his colleagues at Texas Instruments, Inc. in Dallas, Texas;

Whereas the resulting integrated circuit contributed to national defense by facilitating the development of the Minuteman Missile and other programs;

Whereas the integrated circuit was central to creating the modern computer and communications industries;

Whereas the creation of the integrated circuit has benefitted the people of Texas by spurring the economy of the State with strong semiconductor and communications sectors and has enabled the integrated circuit industry to enjoy phenomenal growth from $29,000,000,000 annually in 1961 to nearly $1,150,000,000,000 in 2005;

Whereas on October 10, 2000, 42 years after demonstrating the first integrated circuit, Mr. Kilby shared the 2000 Nobel Prize in Physics for his part in the invention of the integrated circuit;

Whereas the integrated circuit, known today as the microchip, was the first chip of its kind, drove the technological growth of the Information Age, permitted both the rapid evolution and the miniaturization of technological products, and provided a foundation for important advances in science and medicine that are saving and enriching lives around the world;

Whereas Mr. Kilby further advanced technological progress by inventing more than 60 additional patented items, including the hand-held calculator and the thermal printer;

Whereas Mr. Kilby retired from Texas Instruments, Inc. after 25 years of dedicated

service but maintained his presence at the company as a source of inspiration to generations of young engineers until his death on June 20, 2005;

Whereas Mr. Kilby committed himself to education, serving as a Distinguished Professor of Electrical Engineering at Texas A&M University from 1978 to 1984, sharing with students the breadth of his knowledge and expertise;

Whereas Mr. Kilby is 1 of only 13 individuals to receive both the National Medal of Science and National Medal of Technology, the most prestigious awards of the Federal Government for technical achievement;

Whereas the National Academy of Engineering, an independent nonprofit institution that advises the Federal Government on engineering and technology issues, awarded Mr. Kilby the 1989 Charles Stark Draper Prize, 1 of the preeminent awards for engineering achievement in the world;

Whereas the Inamori Foundation, a charitable institution in Japan dedicated to promoting international understanding by honoring individuals who have contributed to scientific progress, culture, and human betterment, bestowed upon Mr. Kilby the 1993 Kyoto Prize in Advanced Technology to recognize his contributions to humanity and society;

Whereas Mr. Kilby inspired the creation of the awards named after him, the Kilby International Awards, which honor unsung heroes and heroines who make significant contributions to society through science, technology, innovation, invention, and education;

Whereas Mr. Kilby was inducted into the National Inventors Hall of Fame, established in 1973 by the Patent and Trademark Office of the Department of Commerce and the National Council of Intellectual Property Associations, alongside other great inventors in United States history;

Whereas Mr. Kilby, a member of the ''Greatest Generation'', served the United States in World War II as a member of the United States Army;

Whereas Mr. Kilby will be remembered not only as a great technological innovator, but also as a loving husband, dedicated father, and devoted grandfather; and

Whereas Mr. Kilby's invention of the integrated circuit revolutionized nearly all aspects of modern life, has made technology more affordable and more accessible to the world, and will continue to exert tremendous influence on the development of technology in the 21st century: Now, therefore, be it

Resolved, That the Senate—

(1) has heard with profound sorrow and deep regret the announcement of the death of Nobel Laureate Jack St. Clair Kilby;

(2) commends Mr. Kilby for his pioneering work in the fields of engineering and electronics, which laid the foundation for the technological advances of the 20th and 21st centuries; and

(3) directs the Secretary of the Senate to transmit 1 enrolled copy of this resolution to Mr. Kilby's family.

ORDERS FOR TUESDAY, JULY 19, 2005

Mr. MCCONNELL. Mr. President, Members of the Senate, I ask unanimous consent when the Senate completes its business today, it stand in adjournment until 11 a.m. on Tuesday, July 19. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to consideration of the Burma trade resolution as under the previous order.

I further ask consent that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Tomorrow morning, the Senate should be aware that Senators should meet in the Chamber at 9:40 to proceed as a body to the joint meeting of Congress to hear from Prime Minister Singh of India. At 11 a.m. the Senate will convene to debate and vote on the Burma trade resolution. If all time is used, a vote on the Burma resolution will occur around 12:20.

At 2:15, after the respective party luncheons, we will resume consideration of the Foreign Operations appropriations bill. Let me interject as one of the managers of that bill we intend to finish that bill tomorrow. For any Members who have amendments, we would rather do them in the daylight than at night. We intend to have a busy afternoon.

ADJOURNMENT UNTIL 11:00 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:20 p.m., adjourned until Tuesday, July 19, 2005, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate July 18, 2005:

DEPARTMENT OF THE INTERIOR

H. DALE HALL, OF NEW MEXICO, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE, VICE STEVEN A. WILLIAMS, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

VINCENT J. VENTIMIGLIA, JR., OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE JENNIFER YOUNG.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

BRUCE COLE, OF INDIANA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DOUGLAS L. CARVER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. DAVID C. NICHOLS, JR., 0000

CONFIRMATION

Executive nomination confirmed by the Senate Monday, July 18, 2005:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

LESTER M. CRAWFORD, OF MARYLAND, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.